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Rules of the Senate. 1964
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RULES
of the
SENATE OF CANADA

Printed by Order
of the Senate
1964

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SENATE OF CANADA



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RULES

OF THE

SENATE OF CANADA

[In the Rules, the letter R, followed by a number refers to the Rule of the Senate bearing that number in the body of Rules adopted during the first session of the year 1906; M. followed by a number indicates the page of the Sixteenth Edition of "May's Parliamentary Practice" bearing the same number, and B. followed by a number refers in like manner to the Fourth Edition of Bourinot's "Parliamentary Procedure and Practice in the Dominion of Canada."]

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RULES

OF THE

SENATE OF CANADA

PART I.—INTRODUCTORY

1. In all cases not provided for hereinafter, or by Sessional or other Orders, the Standing Orders, Rules, Usages and Forms of Proceeding of the Lords House of the Imperial Parliament, in force for the time being, shall be followed, so far as they can be applied to the proceedings of the Senate or any committee thereof. B. 201.

**Procedure in
unprovided
cases.**

2. Except so far as is expressly provided, these Rules shall in no way restrict the mode in which the Senate may exercise and uphold its powers, privileges and immunities.

**No implied
restrictions
on Senate.**

**Existing rules
repealed.**

3. All existing Rules and Standing Orders of the Senate are repealed; except as otherwise ordered by the Senate.

Definitions.

4. Unless the context precludes such construction, the words and phrases following have and include in these Rules and all other rules and orders of the Senate the meanings hereby respectively assigned to them, that is to say:

- (a) "Question" — A motion moved and proposed from the Chair.
- (b) "Substantive motion"—A motion not incidental to a proceeding before the Senate, nor relating to and arising out of an Order of the Day.
- (c) "Incidental Questions"—Such questions as arise out of other questions, and are to be decided before those which give rise to them.
- (d) "Subsidiary Questions" — Questions which relate to a principal motion, and are made use of to enable the Senate to dispose of it in the most appropriate manner.
- (e) "Leave of the Senate"—Leave granted without a dissentient voice.

- (f) "Select Committee"—A committee embracing less than the whole number of senators.
- (g) "Standing Committee"—A select committee appointed for the session.
- (h) "Special Committee"—A select committee other than a standing committee.
- (i) "Written"—Written by hand, typewritten or printed, or partly the one and partly one or both of the others.
- (j) "Two days' notice"—A notice where a sitting day intervenes between the day on which the notice is given and the day on which the motion or inquiry is made.
- (k) "One days' Notice"—A notice given on any sitting day for a motion or inquiry to be made on the next succeeding sitting day.

5. Except as otherwise ordered by the Senate, these Standing Rules and Orders shall go into operation immediately upon the Prorogation of the present Session of Parliament, being that convened on the eighth day of March, in the year of our Lord one thousand nine hundred and six.

When rules
to go into
operation.

PART II.—PUBLIC BUSINESS

OPENING OF PARLIAMENT

Opening of
Parliament.

6. On the first day of the first session of a new Parliament, or of any subsequent session when the House of Commons have no Speaker, the Senate meets at thirty minutes before the hour named for the opening of the session: prayers are said; and new senators, if any, are introduced, and take the oath of allegiance and their seats. His Excellency the Governor General or his Deputy being seated, the Commons attend in response to a message to that effect conveyed by the Gentleman Usher of the Black Rod, and are directed to choose a Speaker.

His Excellency or his Deputy, as the case may be, retires; and the Senate adjourns to a time thirty minutes before that fixed for the delivery of the Governor General's speech.
B. 83.

On the second day of any such session as aforesaid or on the first day of any other session, His Excellency opens the Session by a gracious Speech to both Houses; and, Prayers being said, a Bill is read *pro forma*;

the Speech from the Throne is reported by the Speaker, and a Committee of Privileges, consisting of all the senators present during the session, is appointed. M. 283-294: B. 83-85.

ORGANIZATION OF SENATE AND GENERAL REGULATIONS AS TO TRANSACTION OF BUSINESS

7. The Senate meets for the transaction of business at three of the clock in the afternoon of each sitting day; unless otherwise previously ordered. M. 320-321: B. 208.

Time of daily sittings.

8. If, thirty minutes after the time of meeting, fifteen senators, including the Speaker are not present the Speaker takes the Chair and adjourns the Senate until the next sitting day, the names of the senators present being taken down by the Clerk. M. 321: B. 217.

No meeting, for want of quorum.

9. When it appears, on notice being taken, during a sitting of the Senate, that fifteen senators, including the Speaker, are not present, the senators who may be in the adjoining rooms being previously summoned,

Adjournment for want of quorum.

the Speaker adjourns the Senate as above, without a question first put. M. 321: B. 217.

When
Speaker
has to leave
Chair.

10. Whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during any part of the sitting on any day, he may call upon any senator to take the Chair and preside as Speaker, during the remainder of such day, or until the Speaker himself resumes the Chair before the end of the sitting for that day.

Absence of
Speaker.

11. Whenever the Senate is informed by the Clerk at the Table of the unavoidable absence of the Speaker, the Senate may choose any senator to preside as Speaker during such absence; and such senator shall thereupon have and execute all the powers, privileges and duties of Speaker, until the Speaker himself resumes the Chair, or another Speaker is appointed by the Governor General. B. 164-5.

Acts valid.

12. Every act done by any senator, acting as aforesaid, shall have the same effect and validity as if the act were done by the Speaker himself. B. 165.

13. If, at six of the clock in the afternoon, the business be not concluded, the Speaker or the Chairman of the Committee of the Whole leaves the Chair until half-past seven of the clock; the Mace being left on or under the table, as the case may be. B. 214. Evening sittings.

Provided that, if at the said time, a division has been ordered, the Speaker or the Chairman shall not leave the Chair until such division has been taken and any formal business immediately consequent thereon has been completed. M. 327. Proviso.

14. When the Senate adjourns on Friday, unless otherwise ordered, it stands adjourned until the Monday following. M. 320. Adjournment on Friday.

15. When the Senate adjourns, senators keep their places until the Speaker has left the Chair. B. 333. Demeanour of senators at adjournment.

16. The Speaker preserves order and decorum, and decides questions of order, subject to an appeal to the Senate. In explaining a point of order or practice he states the rule or authority applicable to the case. M. 242-243, 464: B. 166, 360, 366. Powers and duties of Speaker.

**Demeanour
of Senators
in Chamber.**

17. Senators may not pass between the Chair and the Table. When entering, leaving, or crossing the Senate Chamber, they bow to the Chair. If they have occasion, when the Senate is sitting, to speak together, they go below the Bar; otherwise the Speaker stops the business under discussion. M. 462: B. 332.

**Strangers
ordered to
withdraw.**

18. If at any sitting of the Senate, or in Committee of the Whole, any senator shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question, "That strangers be ordered to withdraw," without permitting any debate or amendment: Provided, that the Speaker or the Chairman may, whenever he may think fit, order the withdrawal of strangers from any part of the Senate. M. 240-241: B. 194, 343.

**Government
Bill, etc.,
originating
in Senate,
Minister
may be
heard.**

18A. When a Bill or other matter relating to any subject administered by a department of the Government of Canada has originated in and is being considered by the Senate or in Committee of the Whole, a Minister representing the Department, not being a Member of the Senate, may enter the Senate Chamber,

and, subject to the Rules, Orders, Forms of Proceedings, and usages of the Senate, take part in the debate.

19. At each daily sitting of the Senate, ^{Order of business.} the Speaker shall call for, in the following order,—

1. Presentation of Petitions:
2. Reading of Petitions:
3. Reports of Committees:
4. Notices of Inquiries and of Motions:
5. Inquiries:
6. Motions:
7. Orders of the Day. B. 218.

20. Unless the Senate direct otherwise; ^{Precedence among.} Orders of the Day take precedence according ^{Orders of the Day.} to priority as follows:

1. Orders of the Day for the third reading of Bills.
2. An Order of the Day which, at the time of adjournment was under consideration.
3. Orders of the Day which at the time of adjournment had not been reached.
4. Remaining Orders of the Day. M. 337-345: B. 218.

NOTICES OF INQUIRIES AND OF MOTIONS

Notice of
Motion; how
given.

21. When a senator wishes to give notice of an inquiry or motion, he reduces the notice to writing, signs it, reads it from his place during a sitting of the Senate, and hands it in at the Clerk's table. B. 292.

Exceptions.

This rule does not apply to motions with respect to Bills, nor to motions dealing with reports of committees, nor to formal, routine, subsidiary or incidental motions, notice of which, when necessary, may be given by word of mouth, or by any means which places such motions among the Orders or on the notice paper for any day.

Notice for
absent
Senator.

22. A senator, on being duly requested, may give notice for any other senator not then present, by putting the name of such senator on the notice, in addition to his own. B. 293.

Two days'
notice of cer-
tain motions.

23. Two days' notice must be given of a motion for any of the following purposes:

- (a) To make a new rule or standing order, or to repeal or amend an existing rule or standing order;

- (b) For an Address to His Excellency the Governor General, not merely formal in its character;
- (c) For an Order of the Senate for any papers or documents not relating to a Bill or other matter appearing among the Orders of the Day, or on the notice paper;
- (d) For the appointment of a special committee;
- (e) For the adoption of the report of any such special committee;
- (f) For the second reading of a Bill;
- (ff) For the adoption of a resolution of the Senate dissolving or annulling a marriage pursuant to the *Dissolution and Annulment of Marriages Act*;
- (g) A like notice is required of any inquiry, not relating to a Bill or other matter appearing among the Orders of the Day, or on the notice paper. B. 293.

24. One day's notice must be given of any of the following motions: One day's notice of certain motions.

- (a) To suspend any rule or standing order, or any part thereof;

- (b) For the third reading of a Bill;
- (c) For any substantial amendment to a Private Bill;
- (d) For the consideration of substantial amendments made in a Public Bill by a Committee of the Whole;
- (e) That the Senate resolve itself forthwith into a Committee of the Whole;
- (f) For the appointment of a Standing Committee;
- (g) For an instruction to a committee;
- (h) For the adoption of a report, not merely formal in its character, from any Standing Committee;
- (i) For an adjournment of the Senate, other than the ordinary daily adjournment or that under Rule 14, 25 or 44;
- (j) For any purpose to which neither the next preceding nor the next succeeding rule applies; and—
- (k) A like notice is required of any inquiry relating to a Bill or other matter appearing among the Orders of the Day or on the notice paper.

Motions for which no notice is required.

25. No notice is required for any of the following motions:

- (a) By way of amendment to a question;
- (b) For the committal of the question;
- (c) For its postponement to a certain day;
- (d) For the previous question;
- (e) For reading the Orders of the Day;
- (f) For the adjournment of the Senate, while a question is under discussion;
- (g) For the adjournment of the Senate for the purpose of bringing up a question of urgent public importance (which the mover shall state on rising to speak) before the House proceeds to the Orders of the Day;
- (h) For the adjournment of the debate;
- (i) For the consideration of Commons' amendments to a public Bill forthwith, or on a future day;
- (j) For the appointment of a Committee to prepare reasons for disagreeing with a Commons' amendment;
- (k) Raising a question of privilege;
- (l) For the first reading of a Bill;
- (m) For the postponement, discharge or revival of an Order of the Day;

- (*n*) For dealing on a future day with any matter which is on the Table of the Senate;
 - (*o*) For the reconsideration, while in the Committee of the Whole, of any clause of a Bill already agreed to;
 - (*p*) That the Senate resolve itself into a Committee of the Whole on a future day;
 - (*q*) By a minister for the immediate presentation of papers;
 - (*r*) For the ordinary adjournment of the Senate, at the close of the business of the day;
 - (*s*) Other motions of a merely formal or uncontentious character;
 - (*t*) Where notice is dispensed with by the unanimous consent of the Senate.
- M. 398: B. 293, 302, 527.

Motion cannot be proposed which has been passed upon during same session.

25A. No question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative, or negative, unless the order, resolution or vote on such question or amendment has been rescinded.

25B. An order, resolution or other vote of the Senate may be rescinded; but no such order, resolution or other vote may be rescinded unless five days' notice be given and at least two-thirds of the senators present vote in favour of its rescission: Provided that, to correct irregularities or mistakes, one day's notice only shall be sufficient.

Five days' notice to rescind motion.

26. Any notice containing unbecoming expressions, or which offends against any rule or order of the Senate, if not amended by the senator giving the same, is not allowed by the Speaker to appear on the notice paper. M. 404-405: B. 295-297.

Objectionable notice disallowed by Speaker.

MOTIONS

27. No motion prefaced by a written preamble is received by the Senate.

Preambles not allowed.

28. Any senator who has made a motion may withdraw or modify the same by leave of the Senate. M. 407: B. 295.

Motion withdrawn by leave.

29. No motion for making a standing rule or order can be adopted, unless two days' notice in writing has been given thereof, and

Senators specially summoned to consider proposed Rule. Notice.

the senators in attendance on the session have been summoned to consider the same. B. 295.

Notice of
suspension
of rule
or order.

30. No motion to suspend any rule or standing order, or any part of a rule, or order, may be made, except on one day's notice, specifying the rule or order or part thereof proposed to be suspended, and the purpose of such suspension. B. 295.

Notice
waived by
consent.

Any rule or order, or part thereof, may be suspended without notice by the unanimous consent of the Senate, the rule or order, or part thereof, proposed to be suspended being distinctly stated. B. 295.

Motion must
be seconded.

31. A motion or amendment not seconded cannot be debated or put from the Chair. B. 295 sqq.

DEBATES, DIVISIONS AND PROTESTS

Manner of
speaking.

32. A senator desiring to speak is to rise in his place uncovered and address himself to the rest of the senators. B. 332.

Two or more
Senators
rising to
speak.

33. When two or more senators rise to speak, the Speaker calls upon the senator who, in his opinion, first rose in his place; but a motion may be made that any senator

who has risen "be now heard" or "do now speak". M. 446: B. 334.

34. A senator may speak to any question before the Senate; or upon a motion, or an amendment to be proposed by himself; or upon a question or order arising out of the debate; but not otherwise, without the consent of a majority of the Senate, which shall be determined without debate. B. 343.

Limit in debate.

35. No senator may speak twice to a question before the Senate, except in explanation of a material part of his speech, in which he may have been misconceived, and then he is not to introduce new matter. M. 447: B. 334.

Senator not to speak twice.
Exception.

36. A reply is allowed to a senator who has moved the second reading of a Bill, or made a substantive motion, but not to one who has moved an amendment, the previous question, an adjournment during a debate, a motion on the consideration of Commons' amendments, or an instruction to a committee. M. 449: B. 344.

When reply allowed.
Exceptions.

Reply closes
debate.

37. In all cases, the reply of the mover of the original question closes the debate. It is the duty of the Speaker to see that every senator wishing to speak has the opportunity to do so before the final reply.

Senator who
merely
seconds etc.,
may speak
later.

38. It shall be competent to a senator, when he seconds a motion or amendment, or moves an order of the day, without speaking to it, to address the Senate on the subject of such motion, amendment or order of the day, at any subsequent period of the debate. M. 449: B. 345.

No debate
on mere
inquiry.

39. No debate is in order on a mere inquiry; but explanatory remarks may be made by the senator making the inquiry, and by the minister or other senator answering the same. Observations upon any such answer are not allowed. B. 310.

When debate
can take
place on
inquiry.

40. When it is intended to make a statement or raise a discussion on asking a question, the senator having such intention, as part of the notice under Rule 21, gives notice that he will call attention to the matter inquired into. B. 310, sq.

41. Whenever a matter or question directly concerning the privileges of the Senate or of any committee or member thereof, has arisen, a motion calling upon the Senate to take action thereon may be moved, without notice, and shall, until decided, unless the debate be adjourned, suspend the consideration of other motions as well as Orders of the Day. M. 382, 397: B. 302, sq.

Question of privilege.

Its precedence in certain cases.

42. Any senator complaining to the Senate of a statement in a newspaper as a breach of privilege, shall produce a copy of the paper containing the statement in question. M. 135: B. 63.

Complaints against newspapers.

43. Any senator may require the question under discussion to be read at any time during the debate, but not so as to interrupt any other senator while speaking. B. 353.

Question read.

44. When a question is under debate, no motion is received, unless to amend it; to commit it; to postpone it to a certain day; for the previous question; for reading the Orders of the Day, or for the adjournment of the Senate. B. 316, sqq., 322, sqq., 324, sq. 326.

Motions during debate.

Senator
called to
order.

45. Any senator called to order shall sit down and shall not proceed, pending the decision of the question of order. B. 366.

Personal
and taxing
speeches
forbidden.

46. All personal, sharp or taxing speeches are forbidden. M. 459: B. 360, sq.

Redress of
injured
Senator.

47. Any senator conceiving himself offended, or injured in the Senate, in a committee room, or any of the rooms belonging to the Senate, is to appeal to the Senate for redress. M. 459: B. 360.

Exception-
able words
taken down.

48. If a senator be called to order, for words spoken in debate; upon the demand of the senator so called to order, or of any other senator, the exceptionable words shall be taken down in writing by the Clerk at the Table. And any senator who has used exceptionable words, and does not explain or retract the same, or offer apologies therefor to the satisfaction of the Senate, will be censured or otherwise dealt with as the Senate may think fit. M. 459: B. 360-369, sqq.

Interference
in quarrels.

49. The Senate may interfere to prevent the prosecution of any quarrel between senators arising out of a debate or proceeding of the Senate, or any committee thereof. M. 459: B. 360, sq.

50. The Speaker stands uncovered when speaking to the Senate; and, if he proposes to address the House on any question other than one of order, leaves the Chair. M. 242: B. 165, sq.

Speaker
addressing
House.

51. In voting, the "Contents" first rise in their places, then the "Non-contents." M. 412: B. 379.

Order of
voting.

52. If two senators require it, the "Contents" and "Non-contents" are entered upon the minutes: Provided the Senate shall not have taken up other business; and each senator shall vote on the question, openly and without debate; unless for special reasons he be excused by the Senate. M. 430: B. 378.

Names
recorded.

53. No senator is entitled to vote upon any question in which he has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown; and the vote of any senator so interested will be disallowed. M. 439: B. 385, sqq.

Senator with
pecuniary
interest not
to vote.

54. A senator, declining to vote, shall assign reasons therefor; and the Speaker shall submit to the Senate the question,—

Senator
declining
to vote.

“Shall the Senator, for the reasons assigned by him, be excused from voting?” B. 381, sq.

Certain provisions as to divisions.

55. A senator will not be permitted to vote on any question, unless he is within the Bar when the question is put; and, no senator may speak to a question after the order has been given to call in the members to vote thereon, unless with the unanimous consent of the Senate; and, with the like consent, a senator may, for special reasons assigned by him, withdraw or change his vote, immediately after the announcement of the division. M. 434: B. 378.

Protest;
when
entered.

56. Any senator entering his protest or dissent to any vote of the Senate, with or without his reasons, must enter and sign the same in the Clerk's book, on the next sitting day, before the rising of the Senate. M. 428: B. 385.

Protest
controlled
by Senate.

57. Every protest is subject to the control of the Senate, and may neither be altered nor withdrawn without the consent of the Senate; nor can a senator absent when the question is put, be admitted to protest. M. 428, sq.: B. 385.

PETITIONS

58. Every petition is to be fairly written or printed, and signed on the sheet containing the prayer of the petition; and if there be more than three petitioners, the additional signatures may be affixed to the sheets attached to the petition. M. 838: B. 232, 583.

Petition;
how signed.

59. No petition is received from any corporation aggregate, unless it be duly authenticated by the seal of such corporation. M. 838: B. 232, 236, 583.

Petition
from corporation
aggregate.

60. Petitions signed by persons purporting to represent public meetings, can only be received as the petitions of the persons whose names are affixed thereto. B. 236.

Petition
from public
meeting.

FORM OF A BILL TO AMEND AN ACT

60A. (1) In the preparation of Bills amending existing enactments the amendments shall not ordinarily be made by clauses which add or leave out words or substitute words for others, but by clauses which re-enact the section, subsection or other minor division, as it is amended.

Form of a
Bill to amend
an Act.

New matter.

(2) In the text of the Bill, on the left hand page, new matter shall be indicated by such typographical means as may best suit the varying circumstances of each case, such as brackets, italics, underlining, asterisks, etc. Opposite each clause, on the right hand page, the enactment amended thereby, or so much thereof as is essential, shall be printed with the proposed changes to be made therein similarly indicated.

Existing
section shall
be printed
opposite
clause.

(3) When a clause repeals an existing section, subsection or other minor division of a section, that section, subsection or division, or so much thereof as is essential, shall be printed opposite the clause.

Memorandum.

(4) A memorandum by the draftsman explaining briefly the reasons for each clause, shall be appended to the Bill, or distributed therewith. Whenever practicable the memorandum shall be printed on the right hand page of the Bill, in paragraphs opposite the clauses referred to and numbered correspondingly.

Bills
reprinted.

(5) The above rules shall also as far as practicable apply to the reprinting of Bills.

PUBLIC BILLS

- 61.** It is the right of every senator to bring in a Bill. M. 343: B. 494. No leave needed to introduce a Bill.
- 62.** Immediately after a Bill is presented, it is read a first time and ordered to be printed. M. 343, 495: B. 494. Read first time forthwith.
- 63.** No Bill shall be read twice the same day; no Committee of the Whole House shall proceed on any Bill the same day the Bill is read a second time; and no Bill shall be read the third time the same day that the Bill is reported from the Committee. M. 497: B. 539, sq. Restrictions on dealing with Bills.
- 64.** The principle of a Bill is usually debated at its second reading. M. 497: B. 509. Principle discussed at second reading.
- 65.** A senator may, at any time before a Bill is passed, move for the reconsideration of any clause thereof, already passed. B. 526. Reconsideration of clauses.
- 66.** In any case where a Bill originating in the Senate and amended in the Commons, is returned to the House of Commons with When Houses differ over Bill.

Reasons sent
by message.

Drawn up by
Committee.

Conference
not required.

any of the amendments made by the Commons disagreed to, or where a Bill originating in the Commons has been amended in the Senate, and has been returned to the Senate with any of the Senate amendments disagreed to, and the Senate decides to insist on such amendments, or any of them, and returns the Bill to the Commons, the message accompanying such Bill shall also contain reasons for the Senate not agreeing to the amendments proposed by the House of Commons, or for the Senate insisting on its own amendments, as the case may be; and such reasons shall be drawn up by a committee of three senators, to be appointed for the purpose when the Senate decides to disagree to, or insist on, as the case may be, the amendments in question. M. 509, 580-591: B. 275, 534, sq.

67. In cases in which the Commons disagree to any amendments made by the Senate, or insist upon any amendments to which the Senate has disagreed, the Senate is willing to receive the reasons of the Commons for their disagreeing or insisting (as the case may be) by Message, without a conference; unless at any time the Commons

should desire to communicate the same at a conference. M. 509, 580-591: B. 275, 534, sq.

Any conference between the Houses may be a free conference. M. 590, sq.: B. 275.

68. Orders of the Day for the third reading of Bills take precedence of all others, except orders to which the Senate may have previously given priority. Precedence given to third readings.

69. When a Bill originating in the Senate, has passed through its final stage therein, no new Bill for the same object can afterwards be originated in the Senate during the same session. M. 521: B. 328, 329, 546, sqq. Bill not duplicated in session.

70. The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the Queen's representative. M. 804: B. 413. Proviso as to supply Bills.

71. To annex any clause to a Bill of Aid or Supply, the matter of which is foreign to, and different from the matter of the Bill, is unparliamentary. M. 812: B. 290, 443. No tacking clauses.

COMMITTEE OF THE WHOLE

72. When the Senate is put into Committee every senator is to sit in his place. B. 392. Senators to retain seats in committee.

Rules
governing
Committee.

73. The rules of the Senate are observed in a Committee of the Whole, except the rules limiting the number of times of speaking; and no motion for the previous question, or for an adjournment, can be received; but a senator may at any time move that the Chairman leave the Chair, or report progress and ask leave to sit again. M. 606-610: B. 392, sq.

Discussion of
principle
forbidden.

74. No arguments are admitted against the principle of a Bill in a Committee of the Whole. M. 607: B. 392, 521.

House, how
resumed.

75. When the Senate is put into a Committee of the Whole, the sitting of the Senate is not resumed without the unanimous consent of the Committee, unless upon a question put by the senator who is in the Chair of such Committee. M. 506: B. 393.

Proceedings
recorded.

76. The proceedings of the Committee are entered in the Journals of the Senate. M. 610: B. 393.

STANDING AND SPECIAL COMMITTEES

Committee
of selection.

77. At the commencement of each Session a Committee of Selection, consisting of nine senators named by the Senate, shall be appointed, whose duty it shall be to nominate

the senators to serve on the several Standing Committees. M. 646: B. 455.

78. The Standing Committees shall be as follows:

1. The Joint Committee on the Library of Library. Parliament, whereto there shall be appointed seventeen senators.
2. The Joint Committee on the Printing of Printing. Parliament, whereto there shall be appointed twenty-one senators.
3. The Joint Committee on the Restaurant Restaurant. of Parliament, whereto there shall be appointed the Speaker and six other senators.
4. The Committee on Standing Orders, Standing Orders. composed of fifteen senators, *three of whom shall constitute a quorum.*
5. The Committee on Banking and Com- Banking. merce, composed of fifty senators, *nine of whom shall constitute a quorum.*
6. The Committee on Transport and Com- Transport. munciations, composed of fifty senators, *nine of whom shall constitute a quorum.*
7. The Committee on Miscellaneous Priv- Private Bills. ate Bills, composed of thirty-five senators, *seven of whom shall constitute a quorum.*
8. The Committee on Internal Economy Internal Economy. and Contingent Accounts, composed of twenty-five senators, *seven of whom shall constitute a quorum.*

- Debates. 9. The Committee on Debates and Reporting, composed of nine senators, *three of whom shall constitute a quorum.*
- Divorce. 10. The Committee on Divorce, composed of twenty-five senators, *three of whom shall constitute a quorum.*
- Resources. 11. The Committee on Natural Resources, composed of forty senators, *nine of whom shall constitute a quorum.*
- Immigration. 12. The Committee on Immigration and Labour, composed of thirty-five senators, *seven of whom shall constitute a quorum.*
- Trade relations. 13. The Committee on Canadian Trade Relations, composed of thirty-five senators, *seven of whom shall constitute a quorum.*
- Civil Service. 14. The Committee on Civil Service Administration, composed of twenty-five senators, *seven of whom shall constitute a quorum.*
- Welfare. 15. The Committee on Public Health and Welfare, composed of thirty-five senators, *seven of whom shall constitute a quorum.*
- Public Bldgs. 16. The Committee on Public Buildings and Grounds, composed of fifteen senators, *five of whom shall constitute a quorum.*
- Finance. 17. The Committee on Finance, composed of fifty senators, *nine of whom shall constitute a quorum.*
- Tourist traffic. 18. The Committee on Tourist Traffic, composed of twenty-five senators, *seven of whom shall constitute a quorum.*

19. The Committee on External Relations, External Relations. composed of thirty-five senators, *seven of whom shall constitute a quorum.*

78A. The Senators occupying the positions of Leader of the Government and Leader of the Opposition in the Senate shall be *ex officio* members of all Standing Committees of the Senate.

79. (1) Every Standing Committee meets, Organization of Committee. if practical, on the next sitting day after appointment and chooses a chairman.

(2) Every Special Committee meets, if practical, on the next sitting day after appointment and chooses a chairman; and the majority of senators appointed on such special Committee shall constitute a quorum, unless it be otherwise ordered. B. 456.

80. Senators speak uncovered, but may Speaking. remain seated. B. 465.

81. Senators, though not of the committee, Senators not of Committee. are not excluded from coming in and speaking; but they must not vote. They sit behind those who are of the committee. M. 628: B. 468.

82. No other persons, unless commanded Strangers excluded. to attend, are to enter at any meeting of a Committee of the Senate or at any conference. M. 628: B. 468.

83. The senators to serve on a Special Special committees; how appointed. Committee may be nominated by the mover;

but, if three senators so demand, they shall be selected as follows: Each senator shall vote openly for one senator to serve as a member of such Committee, and those senators for whom the largest number of votes are given shall constitute the Committee. M. 612: B. 459.

Interested
Senator not
to sit.

84. No senator who has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, in the inquiry to be entrusted to any Select Committee, shall sit on such Committee, and any question of interest arising in the Committee may be determined by the Committee, subject to an appeal to the Senate. M. 439: B. 389.

Sittings of
Select
Committee.

85. A select committee may adjourn from time to time, and, by order of the Senate from place to place, and, where the Senate adjourns for less than a week, may sit on those days over which the Senate is adjourned; provided that, in the last case, notice of the intention to meet during the adjournment of the Senate has been given to the members of the committee one day before such adjournment.

By order of the Senate any select committee may meet during an adjournment of the House which exceeds a week. M. 618, 622: B. 467.

86. No select committee may sit during a sitting of the Senate. M. 622: B. 466. Cannot sit while Senate sits.

87. Upon the presentation of a report no discussion takes place; but the report may be ordered to be printed, with the documents accompanying it; or it may be placed on the Orders of the Day for future consideration, or laid on the Table. M. 638: B. 476, sq. Report not discussed when presented.

This rule does not necessarily apply to the reports of Select Standing Committees upon Private Bills referred to them in the ordinary course of business. B. 476, 614. Proviso.

88. Subject to the provision of Rule 84, a senator on whose motion any Bill, Petition or question is referred to a Special Committee, shall, if he so desire, be one of the Committee. M. 466: B. 459. Mover one of Committee.

89. On every report, made from a committee, of amendments to a Bill, the senator presenting the report is to explain to the Senate the effect of each amendment. B. 476. Amendments to be explained.

List of Committees
posted up.

90. It is the duty of the Clerk to cause to be posted up in some conspicuous part of the Senate a list of the several Standing and Special Committees appointed during the session. B. 463.

Payment of witnesses
before Committee.

91. The Clerk of the Senate is authorized to pay every witness summoned to attend before a committee, a reasonable sum for his living and travelling expenses, upon the certificate or order of the chairman of the committee before which he shall have been summoned; and no witness shall be so summoned and paid, unless a certificate shall first have been filed with the chairman by a member of the committee stating that the evidence of such witness is, in his opinion, material and important; and no witness residing at the seat of Government shall be paid for his attendance. M. 675: B. 483.

RELATIONS BETWEEN HOUSES

Bearers of
messages.

92. One of the Clerks of either House may be bearer of messages from one House to the other. M. 834: B. 272.

Messages,
how received.

93. Messages so sent are received at the Bar by one of the Clerks of the House to

which they are sent, at any time whilst the House is sitting, or in Committee, without interrupting the business then proceeding. M. 834: B. 272.

94. When the attendance of a senator, or any of the officers, clerks or servants of the Senate is desired, to be examined by the Commons, or to appear before any committee thereof, a message is sent by the Commons, to request that the Senate will give leave to such senator, officer, clerk or servant to attend; and if the Senate grant leave to such senator, he may go, if he think fit; but it is not optional for such officer, clerk or servant to refuse. Without such leave, no senator, officer, clerk or servant of the Senate shall, on any account, under penalty of being committed to the Black Rod or to prison during the pleasure of the Senate, go down to the House of Commons, or send his answer in writing, or appear by counsel to answer any accusation there. B. 273, 481.

Leave to
Senator or
official to
appear be-
fore Com-
mons.

Penalty.

95. None are to speak at a Conference with the House of Commons, but those that are of the Committee; and when anything

Senators at
conference.

from such Conference is reported, the senators of the Committee are to stand up. B. 279.

Journals
searched by
Commons.

96. The Journals of the Senate, according to Parliamentary usage, may be searched by the House of Commons, as the Journals of that House may be searched by the Senate. M. 264: B. 187.

Seats for
M.P.'s.

97. Seats are reserved without the Bar of the Senate Chamber, for Members of the House of Commons who may be desirous of hearing the debates.

MINUTES, PAPERS AND ACCOUNTS

Minutes
transmitted
to Governor
General.

98. A copy of the Minutes of Proceedings, certified by the Clerk, is to be transmitted daily to the Governor General. B. 170.

Journals
bound.

99. The Journals are to be bound in annual volumes with full indexes, as soon as may be after each session. B. 170.

Papers re-
ferred to.

100. All papers laid on the Table, stand referred to the Joint Committee on Printing,

who decide and report whether they are to be printed. B. 254. Committee on Printing.

101. Accounts and papers may be ordered to be laid on the Table, and the Clerk shall communicate to the senator having the conduct of government business all orders for papers made by the Senate; and such papers when returned shall be laid on the Table. B. 242, sq. Papers ordered.

102. When the Royal Prerogative is concerned in any account or paper, an Address is presented to the Governor General praying that the same may be laid before the Senate. B. 245, sq. Addresses for papers involving prerogative.

103. At the beginning of every session, the Clerk is to lay before the Senate, on the day following the appointment of the Committee on Internal Economy and Contingent Accounts, and as often thereafter as he may be required to do so, a detailed statement of his receipts and disbursements, since the last audit, with vouchers in support thereof. Clerk to submit accounts.

QUALIFICATION OF SENATORS

Where
Senator fails,
for two
sessions, to
attend.

104. If for two consecutive Sessions of Parliament, any senator has failed to give his attendance in the Senate, it shall be the duty of the Clerk to report the same to the Senate; and the question of the vacancy arising thereupon, shall with all convenient speed be heard and determined by the Senate.
B. 109, 111.

Declaration
of qualifica-
tion renewed
each Parlia-
ment.

105. Within the first twenty days of the first session of each Parliament, every member of the Senate shall make and file with the Clerk, a renewed declaration of "Property Qualification," in the form prescribed in the fifth Schedule annexed to the *British North America Act, 1867*; and the Clerk shall, immediately after the expiration of each period of twenty days, above referred to, lay upon the Table of the Senate a list of the senators who have complied with this rule.
B. 110.

PART III.—PRIVATE BUSINESS

PROVISIONS AS TO NOTICES

106. The Clerk of the Senate shall, during each recess of parliament, publish weekly in the *Canada Gazette*, the following rules respecting notices of intended applications for Private Bills; and the substance thereof in the *Official Gazette* of each province. The Clerk shall also announce, by notices affixed in the committee rooms and lobbies of the Senate, by the first day of every session, the times limited for receiving Petitions for Private Bills, and Private Bills, and reports thereon. B. 591, sq.

Clerk to
publish cer-
tain informa-
tion as to
Private Bills.

107. All applications to parliament for Private Bills of any nature whatsoever, shall be advertised by notice published in the *Canada Gazette*. Such notice shall clearly and distinctly state the nature and objects of the application, and shall be signed by or on behalf of the applicants, with the address of the party signing the same; and, when the application is for an Act of Incorporation, the name of the proposed company shall be stated in the notice.

Publication
of notices.

In addition to the notice in the *Canada Gazette* aforesaid a similar notice shall be given as follows:—

A. When the application is for an Act to incorporate,

1. A Railway or Canal Company,—In some leading newspaper published in the principal city, town or village in each county or district through which the proposed railway or canal is to be constructed.

2. A Telegraph or Telephone Company,—In a leading newspaper in the principal city or town in each province or territory in which the company proposes to operate.

3. A company for the construction of any works which in their construction or operation might specially affect a particular locality, or for obtaining any exclusive rights or privileges, or for doing any matter or thing which in its operation would affect the rights or property of others,—In a leading newspaper in the particular locality or localities which may be affected by the proposed Act.

4. A Banking Company; an Insurance Company; a Trust Company; a Loan Company, or an Industrial Company, without any exclusive powers,—In the *Canada Gazette* only.

5. And, if the works of any company (incorporated or to be incorporated) are to be declared to be for the general advantage of Canada, such intention shall be specifically mentioned in the notice; and the applicants shall cause a copy of such notice to be sent by registered letter to the clerk of each county council and of each municipal corporation which may be specially affected by the construction or operation of such works, and also, to the secretary of the province in which such works are, or may be located; and proof of compliance with this requirement by the applicants shall be established by statutory declaration.

B. When the application is for the purpose of amending an existing Act,

1. For an extension of any line of railway, or of any canal; or for the construction of

branches thereto,—the same *mutatis mutandis* as for an Act to incorporate a railway or canal company.

2. For an extension of the time for the construction or completion of any line of railway, or of any canal, or of any telegraph or telephone line, or of any other works already authorized,—In a principal newspaper in the place where the head office of the company is, or is authorized to be.

3. For the extension of the powers of a company (when not involving the granting of any exclusive rights) or for the increase or reduction of the capital stock of any company; or for increasing or altering its bonding or other borrowing powers; or for any amendment which would in any way affect the rights or interests of the shareholders or bond holders or creditors of the company,—In a principal newspaper in the place where the head office of the company is situated.

C. All such notices, whether inserted in the *Canada Gazette* or in a newspaper, shall be published at least once a week for a period of

four consecutive weeks; and when published in the Provinces of Quebec and Manitoba shall be in both the English and French languages; and marked copies of each issue of all newspapers containing any such notice shall be sent to the Clerk of the Senate, endorsed "Private Bill Notice"; or, a statutory declaration as to due publication may be sent in lieu thereof.

Every notice by registered letter shall be mailed in time to reach the secretary of the province and the clerk of each county council and municipal corporation not less than two weeks before the consideration of the petition by the Committee on Standing Orders; and a statutory declaration establishing the fact of such mailing shall be sent to the Clerk of the Senate. B. 589, sqq.

PETITIONS FOR PRIVATE BILLS

108. No petition praying for the incorporation of a railway company, or of a canal company, or for an extension of the line of any existing or authorized railway or canal, shall be considered by the Standing Orders Committee, until there has been filed with

Maps filed
with Stand-
ing Orders
Committee.

the Committee a map or plan, showing the proposed location of the works, and each county, township, district or municipality through which the proposed railway or canal, or any branch or extension thereof, is to be constructed. B. 598.

Procedure in
certain cases.

109. In the event of promoters not being ready to proceed with their measures when the same have been twice called on two separate occasions for consideration by the Committee, such measures shall be reported back to the Senate forthwith, together with a statement of the facts and the recommendation of the Committee.

Time limited
for receiving
petitions for
Private Bills,
etc.

110. Petitions for private bills shall only be received by the Senate if filed with the Clerk of the Senate within the first six weeks of the Session, and every private bill originating in the Senate shall be presented to the Senate within two weeks after the petition therefor has been favourably reported upon by the Examiner of Petitions or by the Committee on Standing Orders, and no motion for the suspension of this standing order shall be entertained unless a report has been first made by the Committee on Standing Orders recommending such suspension.

This Rule, Rule 107, and Rules 111 to 122, both included, do not apply to Bills of Divorce or to Petitions for such Bills, except in cases where no special provision is hereafter made, and which fall under Rule 151.

Certain rules
do not apply
to divorce
cases.

111. (1) The Chief Clerk of Committees shall be the Examiner of Petitions for private bills.

Examiner of
Petitions.

(2) Petitions for private bills (other than petitions for Bills of Divorce), when received by the Senate, are to be taken into consideration by the examiner who shall report to the Senate in each case the extent to which the requirements of the standing orders regarding notice have been complied with; and in every case where the notice is reported by the examiner to have been insufficient or otherwise defective, or if he reports that there is any doubt as to the sufficiency of the notice as published, the petition, together with the report of the examiner thereon, shall be taken into consideration, without special reference, by the Committee on Standing Orders, which shall report to the Senate as to the sufficiency or insufficiency of the notice, and where the notice is deemed insufficient or

Report on
Petitions.

otherwise defective, shall recommend to the Senate the course to be taken in consequence of such deficiency or other defect. B. 588.

Suspension
of rules
must be
recommended
by S.O.
Committee.

112. No motion for the suspension of the rules upon any Petition for a Private Bill is in order, unless such suspension has been recommended by the Committee on Standing Orders. B. 586.

INTRODUCTION OF PRIVATE BILLS

Private Bill
introduced
on petition.

113. Every Private Bill is introduced on Petition, and presented to the Senate after the Petition has been favourably reported on by the Committee on Standing Orders, or the Examiner of Petitions.

Deposit of
Bill and fees.

114. Any person seeking to obtain a Private Bill shall deposit with the Clerk of the Senate, if it is intended that the Bill shall originate in the Senate, a copy of such Bill in the English or French language, with a sum sufficient to pay for the translation of the same by the officers of the Senate, and the printing of 600 copies in English and 200 in French. The applicants shall also pay the Clerk of the Senate, immediately after the second reading and before the consideration of the Bill by the Committee to which it is

referred, a sum of \$200, with the cost of printing the Act in the Statutes, and lodge the receipt for the same with the Clerk of such Committee. B. 585, 602.

The fee payable on the second reading of any Private Bill is paid only in the House in which it is introduced. B. 602. Proviso.

BILLS SPECIALLY REFERRED

115. Any Private Bill shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces. B. 571. Question of jurisdiction referred to Standing Orders Committee.

116. At any time before the final passing of any Private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for examination and report, as to any point or matter in connection with such Bill expressed in the Order of Reference. B. 570, 600. Bill may be referred to Supreme Court.

BILLS BEFORE STANDING COMMITTEES

117. Every Private Bill, after its second reading, is referred to one of the Standing Committees on Private Bills; and all Pcti- Bill referred to Standing Committee after Second reading.

tions before the Senate, for or against such Bill, are considered as referred to such Committee. B. 588, 600, 606.

Bill from
Commons re-
ferred to
S.O. Com-
mittee,
where no
petition.

118. Any Private Bill from the House of Commons for which no petition has been received by the Senate, shall be taken into consideration and reported on by the Committee on Standing Orders in like manner as a petition, after the first reading of such Bill, and before its consideration by any other Standing Committee. B. 620.

Notice of
sitting of
committee
posted in
lobby.

119. No Committee on any Private Bill originating in the Senate (of which notice is required to be given), is to consider the same until after one week's notice of the sitting of such Committee has been posted up in the lobby; nor, in the case of any such Bill originating in the House of Commons, until after twenty-four hours' like notice. B. 605.

Private Bill
register.

120. A book, to be called the "Private Bill Register," shall be kept, in which book shall be entered by a clerk selected for the purpose, the names, descriptions and places of residence of the parties applying for Bills, or of their agents, and all the proceedings thereon, from the receipt of the Petition to the passing of each Bill; such entry to specify

briefly each proceeding in the Senate, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book shall be open to public inspection, daily during office hours. B. 601.

121. The Clerk shall cause lists of all Private Bills, and Petitions relating thereto, to be prepared daily by the clerks of the committees to which the same are respectively referred; and the time when and the room wherein each committee is to meet shall be specified in such lists, which shall be hung up in the lobby. B. 605, sq.

Daily lists of Bills referred to committees, hung up in lobby.

122. All persons whose interests or property may be affected by any Private Bill, shall, when required to do so, appear before the Select Committee to which such Bill is referred, touching their consent, or may send such consent in writing, proof of which may be required by the Committee. And in every case the Committee upon any Bill for incorporating a company may require proof that the persons whose names appear in the Bill, as composing the company, are of full age, and in a position to effect the objects

Certain points to be inquired into by committee.

contemplated, and have consented to become incorporated. B. 607.

Voting in
committees.

123. All questions before Committees on Private Bills are decided by a majority of voices, including the voice of the chairman; and whenever the voices are equal, the decision shall be deemed to be in the negative. B. 606.

REPORTS OF COMMITTEES

Provisions
not in
notice.

124. It is the duty of the Committee to which any Private Bill has been referred by the Senate, to call the attention of the Senate specially to any provision inserted in such Bill, which does not appear to have been contemplated in the notice for the same as reported upon by the Committee on Standing Orders, or the Examiner of Petitions.

Duty of
Law Clerk to
report on.

It is the duty of the Law Clerk to report, for the information of the Committee, on any such provision.

Committee
must report.

125. The Committee to which a Private Bill has been referred shall report the same to the Senate, in every case; and when any material alteration has been made in the Preamble of the Bill, such alteration and the reasons for the same are to be stated in the Report. B. 614.

126. When the Committee on any Private Bill report to the Senate that the Preamble of such Bill has not been proved to their satisfaction, they must also state the grounds on which they have arrived at such decision; and no Bill so reported on shall be placed on the Orders of the Day, unless by special order of the Senate. B. 609.

When pre-
amble not
proved.

127. The Chairman of the Committee shall sign with his name at length, a printed copy of the Bill, on which the amendments are fairly written, and shall also sign with the initials of his name, the several amendments made and clauses added in Committee, to be attached to the Report; and another copy of the Bill, with the amendments written thereon, shall be prepared by the Clerk of the Committee, and filed. B. 608, sq.

Bill reported,
how authen-
ticated.

PRIVATE BILLS AFTER REPORT OF COMMITTEE

128. Unless the Senate otherwise orders, a Private Bill reported from a Standing or Special Committee is not committed to a Committee of the Whole. B. 615.

Private Bill
not usually
committed.

Not read
third time
when
reported.

129. No Private Bill shall be read a third time the same day on which it is reported from a Committee. B. 616.

Notice of
amendments.

130. No important amendment may be proposed to any Private Bill, in a Committee of the Whole, or at the Third Reading of the Bill, unless notice of the same shall have been given on a previous day. B. 618.

COMMONS AMENDMENTS

Commons
amendments.

131. When any Private Bill is returned from the House of Commons with amendments, the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a Committee of the Whole, or to the Select Committee to which such Bill was originally referred. B. 618, 623.

UNPROVIDED CASES

Rules as to
Public Bills
to apply.

132. Except as herein otherwise provided, the rules relating to Public Bills apply to Private Bills.

DIVORCE—PETITION FOR PRIVATE BILL

See Part IV if application is for a Resolution to dissolve or annul marriage

133. All petitions for divorce and all matters arising out of petitions for, or bills of divorce, shall be referred to the Standing Committee on Divorce, and no reference to any Committee other than that Committee shall be necessary with respect to such petitions, bills and matters.

Petitions,
etc., referred
to Com-
mittee on
Divorce.

Notice of the day, hour and place of every sitting of the Committee shall be given by posting up the same in the lobby of the Senate not later than the afternoon of the day before the time appointed for such sittings.

Notice of
meetings of
Committee.

134. The Official Reporters of The Senate, or one of them, when notified by the Clerk of the Committee, shall be in attendance at each sitting of the Committee, and, having first been duly sworn to discharge faithfully such duty, shall take down in shorthand and afterwards extend the evidence of witnesses examined before the Committee, which evidence shall be printed under the supervision of the Clerk of the Committee.

Reporting
and printing
of evidence.

Evidence,
how printed.

135. Evidence taken before the Committee shall be printed apart from the Minutes of Proceedings of the Senate, and only in sufficient numbers for the use of Senators and Members of the House of Commons, that is to say, one copy for distribution to each Senator or Member, ten copies for the parties and their counsel, and ten copies to be kept by the Clerk of the Senate for purposes of record and reference.

Notice of
application,
how given.

136. Every applicant for a Bill of Divorce shall give notice of his or her intended application, and shall specify therein from whom and for what cause such divorce is sought, and shall cause such notice to be published once a week for a period of four weeks before the consideration by the Committee on Divorce of his or her petition for the said Bill, in the *Canada Gazette* and in two newspapers published in the district in Quebec, Manitoba, Saskatchewan, Alberta, British Columbia or the Northwest Territories, or in the county or union of counties in other provinces wherein such applicant usually resided at the time of the separation of the parties; but if the requisite number of papers

cannot be found therein, then in an adjoining district or county or union of counties.

Notices given in the Provinces of Quebec and Manitoba are to be published in one English and one French newspaper, if there be such newspapers published in the district, but otherwise shall be published in one newspaper in both languages. The notice may be in the subjoined form "A". If a notice given for any session of Parliament is not completed in time to allow the petition to be dealt with during that session, the petition may be presented and dealt with during the next ensuing session, without any further publication of such notice.

**Provisions
as to notice.**

137. A copy of the said notice and a copy of the petition to be presented shall, at the instance of the applicant, and not less than two months before the consideration by the Committee of the petition, be served personally, when that can be done, on the person from whom the divorce is sought, who is hereinafter called "the respondent", and on every person with whom a matrimonial offence is alleged to have been committed, hereinafter called a "co-respondent".

**Service of
Notice and
Petition on
respondent
and co-
respondent.**

If the residence of the respondent or the name or residence of a co-respondent is not known, or personal service cannot be effected, then, if it is shown to the satisfaction of the Committee that all reasonable efforts have been made to effect personal service, and, if unsuccessful, to bring such notice and petition to the knowledge of the respondent or co-respondent, what has been done may be deemed and taken by the Committee as sufficient service.

**Petition
when
received.**

138. No petition for a Bill of Divorce shall be received by the Senate unless filed with the Clerk of the Senate within the first six weeks of the session.

**Form and
contents of
Petition.**

139. The petition of an applicant for a Bill of Divorce shall be fairly written and signed by the petitioner and shall include the following particulars in the order indicated:—

- (a) the place and date of marriage and by whom the ceremony was performed;
- (b) the domicile of the petitioner and the respondent at the time of the marriage and also at the time of the filing of the petition;

- (c) the names in full, ages, occupations and addresses of the petitioner and the respondent at the date of the filing of the petition;
- (d) whether there has been issue of the marriage, and if so, the names and date of birth of all living children;
- (e) the matrimonial offences alleged, these to be set out fully and precisely in separate paragraphs including, wherever possible, the name and address of every person with whom a matrimonial offence is alleged to have been committed, and omitting vague allegations such as "at divers times and places";
- (f) if such be the case, that any person with whom a matrimonial offence is alleged to have been committed has died before the filing of the petition;
- (g) where the name or address of any person with whom a matrimonial offence is alleged to have been committed is stated to be unknown, a statement that every reasonable effort has been made without success to ascertain the name and address of

such person, together with particulars of the efforts which have in fact been made;

(h) the nature of the relief prayed for.

2. The allegations of the petition shall be verified by declaration of the petitioner under the *Canada Evidence Act*, or in a form valid in the jurisdiction in which it is made, and shall include a statement that the petitioner has not in any way been an accessory to or connived at or condoned any of the matrimonial offences alleged and that no collusion exists.

3. The copy of the petition served upon the respondent and any co-respondent shall have endorsed thereon, or appended thereto, the following information:

- (a) the petitioner's residence at the time of service;
- (b) a Post Office address in Canada at which letters and notices for the petitioner may be delivered;
- (c) the name and address of the solicitor, if any, acting for the petitioner;
- (d) if such solicitor's address is not at Ottawa, the name and address of some

agent for him residing at or within five miles of Ottawa, upon whom all notices and papers may be served;

- (e) that if the respondent or co-respondent desires to oppose the granting of the divorce and to be heard by the Senate Committee on Divorce, the respondent (or co-respondent) must send a notice to that effect to the Clerk of the Senate at the Parliament Buildings, Ottawa, and to the solicitor for the petitioner, within thirty days from the date of service upon the respondent (or co-respondent) and shall in the notices give,
 - (i) the residence of the respondent (or co-respondent) at the time of sending such notice,
 - (ii) a Post Office address in Canada at which letters and notices for the respondent (or co-respondent) may be delivered,
 - (iii) the name and address of the solicitor, if any, acting for the respondent (or co-respondent),
 - (iv) if such solicitor's address is not at Ottawa, the name and address of

some agent for him residing at or within five miles of Ottawa, upon whom all notices and papers may be served,

- (v) a concise statement of the material facts upon which the respondent (or co-respondent) relies in answer to the petition;
- (f) that, if the respondent (or co-respondent) does not so notify the Clerk of the Senate, the petition may be considered, and a Bill of Divorce founded thereon may be passed, without any further notice to the respondent (or co-respondent);
- (g) when the petition is one by a husband for a divorce from his wife, that, if the wife shows to the satisfaction of the Senate Committee on Divorce that she has, and is prepared to establish upon oath, a good defence to the charges made in the petition, and that she has not sufficient money to defend herself, the Committee may make an order that her husband shall provide her with the necessary means to sustain her defence, including the cost of

retaining Counsel and the travelling and living expenses of herself and witnesses summoned to Ottawa on her behalf.

4. Notwithstanding anything contained in these Rules, the Committee may upon application by or on behalf of the petitioner, if it considers it desirable to do so, order that the naming of, or the service of documents upon, a co-respondent be dispensed with.

140. No petition for a Bill of Divorce shall be considered by the Committee unless the applicant has paid into the hands of the Clerk of the Senate the sum of two hundred and ten dollars towards expenses which may be incurred during the proceedings upon the petition and the bill, and the disposition of this sum shall be as ordered by the Senate. Deposit
of fees.

141. The petition when presented to the Senate shall be accompanied by the evidence of the publication of the notice as required by Rule 136, and by declaration in evidence of the service of a copy of the notice and of a copy of the petition as provided by Rule 137. The petition, notice, and evidence of publica- Petition,
etc., refer-
red to
Committee.

tion and service, and all papers connected therewith shall thereupon stand as referred, without special order to that effect, to the Standing Committee on Divorce.

Copies of
petition,
etc., fur-
nished to
Committee.

A copy of every petition for a Bill of Divorce or relating to any matter arising out of an application for divorce, and of every document and paper accompanying such petition or produced in evidence before the Committee, shall be furnished to the Committee by the person on whose behalf the petition, document or paper is presented or produced.

Chief Clerk
of Com-
mittees
to examine
papers.

142. The Chief Clerk of Committees shall examine the petition and all other documents relating thereto which have been deposited with him, and in each case shall report to the Committee the extent to which the requirements of these Rules, or of any order made or direction given thereunder, have been complied with.

2. When any document filed under this Rule is in the opinion of the Chief Clerk of Committees insufficient or otherwise defective, he may require the insufficiency or defect to be remedied, subject always to the

right of the petitioner to have the matter referred to the Committee for decision.

3. In every case where the Chief Clerk of Committees reports an insufficiency or defect under this Rule the Committee may make such order or give such directions as it deems just and proper to remedy such insufficiency or defect.

4. If the circumstances of the case seem so to require, the Committee, before proceeding to hearing and inquiry as hereinafter required, may make such order as to the Committee seems requisite and just for effecting substitutional service by registered letter or otherwise.

5. When the requirements of these Rules, and of any order or direction made or given thereunder by the Committee are found to have been complied with in all material respects, the Chief Clerk of Committees, having regard to any rule or order which the Committee may make as to appointments for hearing and inquiry, and to any special order made or direction given by the Committee or the Chairman, shall appoint a day for the hearing of the petition and inquiry

into the matters set forth therein, and the Committee shall, after reasonable notice to the parties, proceed with all reasonable despatch to hear and inquire into the matters set forth in the petition.

Report by
Committee.

143. After such hearing and inquiry, the Committee shall report to the Senate, stating whether the requirements of these rules have been complied with in all material respects; and, if it shall have been then found that any such requirement has not been so complied with, stating in what respect there has been default, and also stating the conclusions arrived at and the action recommended by the Committee.

Evidence
reported.

2. The report shall be accompanied by the testimony of the witnesses examined, and by all documents, papers and instruments referred to the Committee by the Senate or received in evidence by the Committee.

Draft Bill
reported.

3. If the report recommends the granting of relief to the petitioner it shall also be accompanied by a draft, approved by the Committee, of a Bill to effect such relief.

Minority
report.

4. The minority may bring in a report stating the grounds upon which they dissent from the report of the Committee.

143A. The Standing Committee on Offence against Criminal Code. Divorce, whenever in its opinion there has been disclosed in any evidence given before it or any of its subcommittees an offence against the *Criminal Code* of Canada or the violation of any other law in force in Canada, may direct that such evidence, or a part thereof, be drawn to the attention of such law-enforcement or other agency in Canada as the Senate Committee may deem appropriate, for such action as such agency may deem requisite.

144. Upon the adoption of the report of Introduction of Bill. the Committee, the Bill may be presented and read a first time; and thereafter no further reference of the Bill to the Committee shall be necessary, unless so ordered by the Senate.

145. If adultery be proved, the respondent Connivance, condonation, collusion, etc. (or a co-respondent) may nevertheless be admitted to prove connivance at, or condonation of the adultery, collusion in the proceedings for divorce, or adultery on the part of the petitioner.

When Minister of Justice may intervene.

Connivance at, or condonation of the adultery, or collusion in the proceedings for divorce, is always a sufficient ground for rejecting a Bill of Divorce, and shall be inquired into by the Committee. And should the Committee have reason to suspect connivance or collusion, and in their opinion it is desirable that fuller inquiry should be made, such opinion and the reasons therefor shall be communicated to the Minister of Justice, that he may intervene and oppose the Bill should the interest of public justice in his opinion call for such intervention.

Parties may be heard.

146. The petitioner, the respondent or a co-respondent and, if the Committee sees fit, any other person affected by the proceedings had, may be heard before the Committee in person or by counsel learned in the law of the bar of any province in Canada.

Evidence taken under oath.

147. The petitioner, the respondent and a co-respondent, appearing before the Committee, and all witnesses produced before the Committee shall be examined upon oath, or upon affirmation in cases where witnesses are allowed by the law of Canada to affirm; and the law of evidence shall, subject to the

provisions in these rules, apply to proceedings before the Committee, and shall be observed in all questions of fact.

2. Declarations allowed under or required in proof may be made under the *Canada Evidence Act* or in a form valid in the jurisdiction in which they are made.

148. Summonses for the attendance of witnesses and for the production of papers and documents before the Senate or the Standing Committee on Divorce shall be under the hand and seal of the Speaker of the Senate, and may be issued by the Clerk of the Committee, at any time after the date of the hearing has been appointed to the party applying therefor. Witnesses, how summoned.

Such summonses may be served by any literate person, or, if so ordered by the Senate or by the Committee on Divorce, shall be served by the Gentleman Usher of the Black Rod or by any one authorized by him to make such service. Summonses, how served.

The reasonable expenses of making such service and the reasonable expenses of every witness for attending in obedience to such summons shall be taxed by the Chairman of the Committee. Fees, how taxed.

Conduct
money.

Every witness summoned shall, at the time of service of the summons upon him, be tendered a sum of money sufficient to defray his reasonable expenses for travelling to and from Ottawa and his reasonable living expenses while in attendance upon the Committee; and no witness shall be obliged to attend in obedience to a summons unless such a tender has been made to him.

Witness dis-
obeying sum-
mons.

149. In case any witness upon whom such summons has been served refuses to obey the same, such witness may by order of the Senate be taken into custody of the Gentleman Usher of the Black Rod, and shall not be liberated from such custody except by order of the Senate and after payment of the expenses incurred.

Forms.

150. The subjoined forms, varied to suit the circumstances of the case, or forms to the like effect, may be used in proceedings for divorce.

Rules of
Senate to
apply.

151. All rules of the Senate which by reasonable intendment, are applicable to proceedings in divorce, shall, except in so far as altered or modified by these rules, or inconsistent therewith, apply to such proceedings.

152. In cases not provided for by these ^{Unprovided} rules the general principles upon which the ^{cases.} Imperial Parliament proceeds in dissolving marriage and the rules, usages and forms of the House of Lords in respect of divorce proceedings may, so far as they are applicable, be applied to divorce proceedings before the Senate and before the Standing Committee on Divorce.

DIVORCE FORMS

FORM A

NOTICE OF APPLICATION FOR DIVORCE

Notice is hereby given that (*name of applicant in full*) of the
 of , in the county (*or district*)
 of , in the province of
 (or in the Northwest Territories or as the case may be), (*here state the addition or occupation, if any, of applicant, and the residence of the applicant if it is not in the same place as the domicile of the applicant*), will apply to the Parliament of Canada, at the present or next following session thereof, for a Bill of Divorce from his wife (*or her husband*), (*here state names in full, residence and addition or occupation, if any, of the person from whom the divorce is sought*), on the ground of (*adultery, adultery and desertion, or as the case may be*).

Dated at	}	Signature of applicant or of solicitor for applicant.
Province of		
day of , 19		

(*When any particular relief is to be applied for, the nature thereof should be briefly indicated in the notice*)

FORM B

DECLARATION AS TO SERVICE OF NOTICE, PETITION AND INFORMATION TO RESPONDENT AND CO-RESPONDENT, WHEN MADE PERSONALLY

Province of	}	I, A.B., of the
County (<i>or district</i>)		of , in the
of		County (<i>or district</i>) of
		, in the
To wit:		Province of ,
		(<i>occupation</i>)

DO SOLEMNLY DECLARE:—

1. That on the day of
A.D. 19 , I served C. D. (*name of person served*) personally with a true copy of the notice hereto attached and marked "A", by giving the said copy to, and leaving it with the said C. D. at (*state place of service, with particularity as to street, number of house, or other detail*).

2. That at the said time and place and in the said manner I also served the said C. D. with a true copy of the petition hereto

attached and marked "B", appended to which copy there was then a true copy of the information to the respondent which is hereto also attached and marked "C".

3. That I know the said C. D., and that I believe him (*or her*) to be the person described in the said notice and petition as the husband (*or wife*) of E. F., therein named. (*or co-respondent named in the petition*)

4. That the said C. D. admitted to me that he (*or she*) was the husband (*wife or co-respondent*) named in the petition.

5. That the photograph hereto attached and marked Exhibit D is a true photograph of the person upon whom the said documents were served. (*If photograph available*)

(*Add any statements made by the person served to the person effecting the service, showing identity*)

And I make this solemn declaration conscientiously believing the same to be true, knowing that it is of the same force and

effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me	,	} <i>Signature of declarant.</i>
at the of	,	
in the County of	,	
in the Province of	,	
this day of	,	
A.D. 19 .		

Name of public functionary before whom affidavit is taken should be legible.

NOTE—*Exhibits attached to the declaration should be verified under the hand of the public functionary before whom the declaration is made.*

FORM C

GENERAL FORM OF PETITION

To the Honourable the Senate of Canada in
Parliament Assembled:

The petition of A. B. (*state names in full*)
the lawful husband (*or wife*) of C. D. (*state
names in full*) .

Humbly Sheweth:

1. That on or about the day of
A.D. 19 , your petitioner was lawfully mar-
ried to the said C. D. at .

*(If the wife is the petitioner, state with
particularity her maiden name and resi-
dence; if she had been married before the
marriage which she seeks to dissolve, state
with particularity the circumstances and
her name)*

2. That the said marriage was by licence
duly obtained (*or as the case may be*) and
was celebrated by (*state name of clergyman
or as the case may be*).

3. That at the time of the said marriage your petitioner and the said C. D. were domiciled in Canada, and have ever since continued to be and are now domiciled in Canada, in the Province of

(All facts relevant to the domicile of the parties at the time of the marriage and as to any change therein since their marriage should be here stated with particularity)

4. That your petitioner, A. B. (*state names in full*) is now residing at (*state present actual residence in full*), and is employed as (*state nature of employment or occupation*). That the said C. D. (*state names in full*) is now residing at (*state present actual residence in full*), and is employed as (*state nature of employment or occupation*).

5. That after the said marriage your petitioner lived and cohabited with the said C. D. and there are now living issue of the said marriage (*state number*) children, viz:

(state names and date of birth of all living children; if no children, so state).

6. That on the day of A.D. 19 , at (*state all available particulars as to place*), the said C. D. committed adultery with one G. H. (*state full particulars of co-respondent's name and address*).

(*Separate paragraphs should be used for each matrimonial offence alleged, including, wherever possible, the names and addresses of the persons with whom the offence is alleged to have been committed, and omitting vague allegations such as "at divers times and places"*)

(*Where a person with whom a matrimonial offence is alleged to have been committed has died prior to the filing of the petition, a paragraph to that effect should be included*)

7. (*If applicable*) That the person (*or persons*) with whom the said adultery was committed is (*or are*) unknown to me and I have made every reasonable effort, without success, to ascertain the name and address of such person (*or persons*). (*State particulars of the efforts in fact made in each case*)

Your petitioner therefore humbly prays:

That your Honourable House will be pleased to pass an Act dissolving the said marriage between your petitioner and the said C. D. and enabling your petitioner to marry again, and granting your petitioner such further and other relief in the premises as to your Honourable House may seem meet.

And as in duty bound your petitioner will ever pray.

Dated at , this day of , 19 .

(Signature of Petitioner)

DECLARATION VERIFYING PETITION

cant, say "wife of C. D.", and give names, residence and occupation or addition of the husband), the petitioner in the foregoing petition named, do solemnly declare:—

1. That, to the best of my knowledge and belief, the allegations contained in the paragraphs of the foregoing petition, numbered respectively _____, are, and each of them is true.

2. That the petitioner has not in any way been an accessory to or connived at or condoned any of the matrimonial offences alleged and that no collusion exists.

3. (If any matter is alleged, of which the petitioner has not personal knowledge, add, "That, with respect to the matters alleged in the paragraphs of the foregoing petition, numbered respectively _____, I am credibly informed and believe them, and each of them, to be true.")

And I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me at	}	<i>Signature of declarant.</i>
the _____ of _____, in		
the County of _____, in		
the Province of _____,		
this _____ day of _____,		
A.D. 19 _____.		

(Legible signature or other identification of person taking declaration)

FORM E

INFORMATION TO BE APPENDED TO THE COPY OF
THE PETITION SERVED UPON THE RESPONDENT
AND CO-RESPONDENT

To (*Respondent's and Co-respondent's name*).

In accordance with Rule 139 of the "Standing Orders and Rules of the Senate" you are hereby informed that:

1. (*Petitioner's name*), the Petitioner, is now residing at No. Street, in the City of , in the Province of *or* in the State of , U.S.A. (*or as the case may be*)

2. Letters and notices for (*Petitioner's name*) may be delivered by sending them to the following address:

(*Post Office Address in Canada to be given*)

3. The name and address of the solicitor acting for (*Petitioner's name*) are as follows:—

(*Give full particulars*)

4. All notices and papers to be served upon (*Petitioner's name*) in this matter may be so served by serving them upon (*give full particulars of the name and address of some agent residing at or within five miles of Ottawa, upon whom all notices and papers may be served*).

5. If you desire to oppose the granting of the Divorce prayed for by the petition of which the document annexed hereto is a true copy, you must within thirty days from the date when this copy is served upon you send a notice to that effect to the Clerk of the Senate of Canada, Parliament Buildings, Ottawa, Canada, and to the solicitor for the petitioner, and in that notice you must give the following particulars:—

- (a) Your actual residence at the time of sending the notice.
- (b) A post office address in Canada at which letters and notices for you may be delivered.
- (c) The name and address of your solicitor, if any is acting for you.

(d) If you have a solicitor, but his address is not at Ottawa, Canada, you must give the name and address of an agent residing at or within five miles of Ottawa, Canada, upon whom all notices and papers may be served.

(e) A concise statement of the material facts upon which the respondent (*or* co-respondent) relies in answer to the petition.

6. If you do not send such notice to the Clerk of the Senate of Canada and with the above particulars, the petition now served upon you may be considered by the Senate of Canada and a Bill of Divorce founded thereon may be passed without any further notice to you.

7. When the petition is one by a husband for a divorce from his wife, that, if the wife shows to the satisfaction of the Senate Committee on Divorce that she has, and is prepared to establish upon oath, a good defence to the charges made in the petition, and that she has not sufficient money to defend herself, the Committee may make an order that her husband shall provide her with the neces-

sary means to sustain her defence, including the cost of retaining Counsel and the traveling and living expenses of herself and witnesses summoned to Ottawa on her behalf.

Signature of Petitioner or Solicitor.

NOTE.—A request for funds for the conduct of a wife's defence should be accompanied by a declaration setting out her occupation (if any), all income and its source, value of real or personal property (if any) etc..

FORM F

APPLICATION FOR LEAVE TO PROCEED WITHOUT
NAMING OR SERVING CO-RESPONDENT

*Where Co-respondent's Name or Address
Unknown*

In the matter of the petition of
for a Bill of Divorce from

TO THE SENATE COMMITTEE ON DIVORCE

Application is hereby made by the above-named petitioner for an order of the Committee permitting the petitioner to proceed without naming or serving a copy of the Notice, Petition and Information to respondent on the person(s) referred to in paragraph(s) of the petition with whom it is alleged that adultery was committed by the respondent, by reason of the fact that the name (and/or address) of such person(s) is not known to your petitioner; or for such other order as the Committee may deem just.

The efforts made without success to ascertain the name (and/or address) of the correspondent are set forth in the attached Solemn Declaration of your petitioner.

.....

Signature of petitioner

FORM G

WHERE CO-RESPONDENT'S NAME OR ADDRESS
KNOWN

In the matter of the petition of
for a Bill of Divorce from

TO THE SENATE COMMITTEE ON DIVORCE

Application is hereby made by the above-named petitioner for an order of the Committee permitting the petitioner to proceed without naming or serving a copy of the Notice, Petition and Information to respondent on the person(s) referred to in paragraph(s) of the petition with whom it is alleged that adultery was committed by the respondent; or for such other order as the Committee may deem just.

The name of such person is known to your petitioner, but by reason of the facts sworn to in the attached Solemn Declaration of your petitioner, leave is hereby sought to proceed without naming or serving such person.

.....

Signature of Petitioner

FORM H

DECLARATION IN SUPPORT OF APPLICATION

Province of _____, I, A.B., of the
 County (or district) _____ of _____, in the
 of _____ } county of _____, in the
 } province of _____,
 TO WIT: } (occupation, if any.)
 } (*In the case of the*

wife being the applicant, say "wife of C.D.",
and give names, residence and occupation or
addition of the husband), the petitioner in
 the foregoing petition named, do Solemnly
 Declare:—

1. The name of the person(s) referred to in
 paragraph(s) of the petition,
 with whom it is alleged that the respondent
 committed adultery is known (or not known
 as the case may be) to me.

2. I have applied for leave to dispense with
 the naming and service of a copy of the
 Notice, Petition and Information to respond-
 ent upon the said person(s) because of the
 following facts:

(Here set out in separate paragraphs the facts on which the petitioner relies in seeking such leave)

And I make this Solemn Declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me
at the
of
in the county of
in the Province of
this
day of
A.D. 19 .

, {
Signature of
Declarant.
, }

PART IV.—RESOLUTIONS FOR DISSOLUTION OR ANNULMENT.

153. This Part applies in respect of all ^{Application} petitions and proceedings thereon for the dis- ^{of Part IV.} solution or annulment of marriages which the Senate is authorized to dissolve or annul by resolution pursuant to the provisions of the *Dissolution and Annulment of Marriages Act*.

154. All rules of the Senate which, by ^{Rules of} reasonable intendment, are applicable to pro- ^{Senate to} ceedings under this Part, shall, except in so ^{apply.} far as altered, modified or superseded by these rules, or as are inconsistent therewith, apply to such proceedings.

155. In cases not provided for by these ^{Unprovided} rules, the general principles upon which the ^{cases.} Imperial Parliament proceeds in dissolving marriage and the rules, usages and forms of the House of Lords in respect of divorce proceedings may, so far as they are applicable, be applied to divorce proceedings before the Senate, the Divorce Committee and the Commissioner.

Definitions.

156. In this Part, "Commissioner" means the officer of the Senate designated by the Speaker of the Senate pursuant to the provisions of the *Dissolution and Annulment of Marriages Act*, and "Divorce Committee" or "Committee" means the Standing Committee of the Senate on Divorce.

Oath of
Commis-
sioner.

156A. A Commissioner shall, before entering upon the duties of his office as Commissioner, take an oath in the following form before the Speaker of the Senate or such person or persons as may from time to time be appointed by him for that purpose:

"I, _____, do solemnly and sincerely promise that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as Commissioner. So help me God."

NOTICE OF PETITION

Notice of
petition,
how given.

157. Every petitioner for a resolution of the Senate dissolving or annulling a marriage shall give notice of his or her intended petition and shall specify therein from whom and on what grounds such dissolution or annulment is sought, and shall cause such notice to be published in the *Canada Gazette* four weeks before the consideration by the Commissioner of his or her petition for the said resolution.

158. The notice may be in the subjoined Form "A-1". If a notice given for any session of Parliament is not completed in time to allow the petition to be dealt with during that session, the petition may be presented and dealt with during the next ensuing session, without any further publication of such notice. ^{Provisions as to notice.}

PETITIONS

159. Petitions for the dissolution or annulment of marriages may be received by the Senate at any time during office hours and the Commissioner may hold hearings and otherwise perform his duties while the Senate is or is not sitting, during adjournments of the Senate and while Parliament is prorogued or dissolved. ^{Petitions, when received.}

160. The printing and other fees and charges payable in respect of petitions for resolutions of the Senate dissolving or annulling marriages shall be the same as those payable in respect of bills of divorce in the Senate. ^{Fees and charges.}

161. No petition for a resolution dissolving or annulling a marriage shall be considered by the Commissioner, and no evidence in support of a petition shall be heard, unless the applicant has paid into the hands of the Clerk of ^{Deposit of fees.}

the Senate the sum of two hundred and ten dollars towards expenses which may be incurred during the proceedings upon the petition and the resolution and the disposition of this sum shall be as ordered by the Senate:

Provided that the Commissioner may consider the Petition and hear evidence thereon upon payment of a lesser sum, or without payment, if in his judgment the circumstances so warrant; and in this event he shall include in his Report a statement of the action taken and may include therein a recommendation regarding the remission of fees.

Form and
contents of
Petition.

162. (1) The petition for a resolution of the Senate dissolving or annulling a marriage shall be fairly written and signed by the petitioner and shall include the following particulars in the order indicated:—

- (a) the place and date of marriage and by whom the ceremony was performed;
- (b) the domicile of the petitioner and the respondent at the time of the marriage and also at the time of the filing of the petition;
- (c) the names in full, ages, occupations and addresses of the petitioner and the respondent at the date of the filing of the petition;

- (d) whether there has been issue of the marriage, and if so, the names and date of birth of all living children, their present addresses, and if not of age their custody;
- (e) the matrimonial offences alleged, these to be set out fully and precisely in separate paragraphs including, wherever possible, the name and address of every person with whom a matrimonial offence is alleged to have been committed and omitting vague allegations such as "at divers times and places";
- (f) if such be the case, that any person with whom a matrimonial offence is alleged to have been committed has died before the filing of the petition, and the date and place of such death;
- (g) where the name or address of any person with whom a matrimonial offence is alleged to have been committed is stated to be unknown, a statement that every reasonable effort has been made without success to ascertain the name and address of such person, together with particulars of the efforts which have in fact been made; and

- (h) a statement of all previous proceedings instituted with reference to the marriage or to any children thereof, including applications to the Parliament of Canada, petitions and writs for divorce actions, alimony or maintenance, separation from bed and board and the custody or maintenance of any children of the marriage, and the results of any such proceedings; and a statement of any agreements or financial arrangements between the spouses with reference to the marriage or any children thereof;
- (i) the nature of the relief prayed for.

(2) The allegations of the petition shall be verified by affidavit of the petitioner under the *Canada Evidence Act*, or in a form valid in the jurisdiction in which it is made, and shall include a statement that the petitioner has not in any way been an accessory to or connived at or condoned any of the matrimonial offences alleged and that no collusion exists.

(3) The copy of the petition served upon the respondent and any co-respondent shall have endorsed thereon, or appended thereto, the following information:—

- (a) the petitioner's residence at the time of service;
- (b) a Post Office address in Canada at which letters and notices for the petitioner may be delivered;
- (c) the name and address of the solicitor, if any, acting for the petitioner;
- (d) if such solicitor's address is not at Ottawa or within five miles of Ottawa, the name and address of some solicitor acting as agent for him or the petitioner and residing at Ottawa, or within five miles of Ottawa, upon whom all notices and papers may be served;
- (e) that, if the respondent or co-respondent desires to oppose the granting of the dissolution or annulment of a marriage and to be heard by the Commissioner, the respondent (or co-respondent) must send a notice to that effect to the Clerk of the Senate at the Parliament Buildings, Ottawa, and to the solicitor for the petitioner, within thirty days from the date of service upon the respondent (or co-respondent) and shall in the notices give
 - (i) the residence of the respondent (or co-respondent) at the time of sending such notice,

- (ii) a Post Office address in Canada at which letters and notices for the respondent (or co-respondent) may be delivered,
 - (iii) the name and address of the solicitor, if any, acting for the respondent (or co-respondent),
 - (iv) if such solicitor's address is not at Ottawa, or within five miles of Ottawa, the name and address of some solicitor acting as agent for him or for the respondent (or co-respondent) upon whom all notices and papers may be served,
 - (v) a concise statement of the material facts upon which the respondent (or co-respondent) relies in answer to the petition;
- (f) that, if the respondent (or co-respondent) does not so notify the Clerk of the Senate, evidence may be heard and the petition considered, and a resolution of the Senate founded thereon dissolving or annulling the said marriage, or otherwise, may be passed, without any further notice to the respondent (or co-respondent); and

- (g) when the petition is by a husband for a dissolution or annulment of marriage from his wife, that, if the wife shows to the satisfaction of the Commissioner that she has, and is prepared to establish upon oath, a good defence to the charge made in the petition, and that she has not sufficient money to defend herself, the Commissioner may make an order that her husband shall provide her with the necessary means to sustain her defence, including the cost of retaining Counsel and the travelling and living expenses of herself and witnesses summoned to Ottawa on her behalf, in such amount as the Commissioner shall determine, subject to appeal to the Divorce Committee.

163. The petition when presented to the Senate shall be accompanied by evidence of the publication of the notice as required by Rule 157, and by declaration in evidential form of the service of a copy of the notice and of a copy of the petition as provided by Rule 162. The petition, notice, and evidence of publication and service, and all papers connected therewith shall thereupon stand as referred, without special order of the Senate or the Divorce Committee to that effect, to the Commissioner.

Petition, etc.
referred to
Commissioner.

Copies of
petition, etc.,
furnished to
Commissioner.

164. A copy of every petition for a resolution of the Senate, dissolving or annulling a marriage or relating to any matter arising out of a petition for such a resolution, and of every document and paper accompanying such petition or produced in evidence before the Commissioner, shall be furnished to the Commissioner by the person on whose behalf the petition, document or paper is presented or produced; and all such documents in possession of the Clerk of the Senate shall be furnished by the Clerk of the Senate to the Commissioner as and when required by the Commissioner.

CHIEF CLERK OF COMMITTEES

Chief Clerk
of
Committees
to examine
papers.

165. (1) The Chief Clerk of Committees shall examine the petition and all other documents relating thereto which have been deposited with him, and in each case shall report to the Commissioner the extent to which within his knowledge the requirements of these Rules, and of any order or direction of the Senate, the Divorce Committee or the Commissioner made thereunder, have been complied with.

(2) When any document filed under this Rule is in the opinion of the Chief Clerk of Committees insufficient or otherwise defective,

he may require the insufficiency or defect to be remedied, subject to the right of the petitioner to refer the matter to the Commissioner for decision.

(3) In every case where the Chief Clerk of Committees reports an insufficiency or defect under this Rule, the Commissioner may make such order or give such directions as he deems just and proper to remedy such insufficiency or defect.

(4) When the requirements of these Rules, and of any order or direction made or given thereunder by the Divorce Committee or the Commissioner are found to have been complied with in all material respects, the Chief Clerk of Committees, having regard to any rule or order which the Commissioner may make as to appointments for hearing and inquiry, and to any order made or direction given by the Divorce Committee or the Commissioner, shall appoint a day for the hearing of the petition and inquiry into the matters set forth therein, and the Commissioner shall, after reasonable notice to the parties, proceed with all reasonable despatch to hear and inquire into the matters set forth in the petition.

Evidence,
R.S.C. 1952
Chap.
158 (35).

166. Evidence taken before the Commissioner shall be in writing apart from the Minutes of Proceedings of the Senate and in such numbers as may be required from time to time by the Commissioner or the Divorce Committee or the Chairman thereof.

THE COMMISSIONER

Petitions,
etc.,
referred to
Commissioner.

167. All petitions for the dissolution or annulment of marriage to which this Part applies, shall stand referred to the Commissioner to be dealt with by him in accordance with the *Dissolution and Annulment of Marriages Act* and this Part.

Service of
Notice and
Petition on
respondent
and co-
respondent.

168. A copy of the notice referred to in Rule 157 and a copy of the petition to be presented shall, at the instance of the petitioner and not less than two months before the hearing of evidence or consideration by the Commissioner of the petition, be served personally, when that can be done, on the person from whom the dissolution or annulment of marriage is sought, who is hereinafter called "the respondent", and on every person with whom a matrimonial offence is alleged to have been committed, hereinafter called a "co-respondent".

169. If the residence or whereabouts of the respondent, or the name, residence or whereabouts of a co-respondent, is not known to the petitioner and cannot be ascertained by the petitioner or by the petitioner's agents, so that personal service cannot be effected, then, if it is shown to the satisfaction of the Commissioner that all reasonable efforts have been made to effect personal service, and, if unsuccessful, to bring such notice and petition to the knowledge of the respondent or co-respondent, what has been done may be deemed and taken by the Commissioner to be sufficient service.

170. Notwithstanding anything contained in these Rules, the Commissioner may upon application by or on behalf of the petitioner, if he considers it just and desirable to do so, order that the naming of, or the service of documents upon, a co-respondent be dispensed with.

171. Summonses for the attendance of witnesses and for the production of papers and documents before the Senate, the Divorce Committee or the Commissioner shall be under the hand and seal of the Speaker of the Senate, and may be issued by the Clerk of the Committee, at any time after the date of the

Witnesses,
how
summoned.

hearing has been appointed, to the party applying therefor.

**Summonses,
how served.**

172. Such summonses may be served by such person or persons or class of persons as the Divorce Committee may direct, or, if so ordered by the Senate, the Divorce Committee or the Commissioner, shall be served by the Gentleman Usher of the Black Rod or by anyone authorized by him to make such service.

**Conduct
money.**

173. Every witness summoned shall, at the time of service of the summons upon him, be tendered a sum of money sufficient to defray his reasonable expenses for travelling to and from Ottawa and his reasonable living expenses while in attendance upon the Divorce Committee or the Commissioner, together with witness fees on the scale of the Supreme or Superior Court of the Province in which the summons is served, and no witness shall be obliged to attend in obedience to a summons unless such a tender has been made to him.

174. The reasonable expenses of making such service and the reasonable expenses of every witness for attending in obedience to such summons, and the accounts and bills of solicitors and counsel as between solicitor and client, shall be subject to taxation by the

Commissioner at the instance of the party charged therewith.

175. In case any witness upon whom such summons has been served refuses to obey the same, such witness may by order of the Senate be taken into the custody of the Gentleman Usher of the Black Rod, and shall not be liberated from such custody except by order of the Senate and after payment to the Senate of the expenses incurred.

Witness
disobeying
summons.

176. The subjoined forms, varied to suit the circumstances of the case, or forms to the like effect, may be used in proceedings for the dissolution or annulment of marriage under this Part.

Forms.

177. Notice of the day, hour and place of every sitting of the Commissioner shall be given by posting the same in the lobby of the Senate not later than the afternoon of the day before the time appointed for such sitting.

Notice of
sittings of
Commis-
sioner.

178. The Official Reporters of the Senate, or one of them, when notified by the Clerk of the Committee, shall be in attendance at each sitting of the Commissioner at which evidence or representations are to be heard, and, having first been duly sworn to discharge

Reporting
and repro-
duction of
evidence.
R.S.C. 1952
Chap.
158 (35).

faithfully such duty, shall take down in shorthand and afterwards, when required by the Commissioner or the Divorce Committee or the Chairman thereof, shall extend the evidence of witnesses examined and arguments heard and representations made before the Commissioner, which evidence shall be put into writing under the supervision of the Clerk of the Committee.

Parties may
be heard.

179. The petitioner, the respondent or a co-respondent and, if the Divorce Committee or the Commissioner sees fit, any other person affected by the proceedings, may be heard before the Divorce Committee or the Commissioner in person or by counsel learned in the law of the bar of any province in Canada.

Evidence
taken under
oath.

180. The petitioner, the respondent and a co-respondent and all other witnesses appearing or produced before the Divorce Committee or the Commissioner shall be examined upon oath, or upon affirmation in cases where witnesses are allowed by the law of Canada to affirm; and the law of evidence shall, subject to the provisions in these rules, apply to proceedings before the Divorce Committee and the Commissioner, and shall be observed in all questions of fact.

181. Declarations and affidavits allowed or required in proof may be made under the *Canada Evidence Act* or in a form valid in the jurisdiction in which they are made. Declarations.

182. After such hearing and inquiry, the Commissioner shall make in respect of each petition considered by him a Report including a concise statement of the facts adduced in evidence before him, the findings and conclusions reached by him based thereon and his reasons therefor and the action recommended by him, and also stating whether the requirements of this Part have been complied with in all material respects, and, if it has been found that any such requirement has not been complied with, stating in what respect there has been default, and if possible, how such default may be remedied. Report by Commissioner.

183. The Report shall be accompanied by all documents, papers and instruments referred to the Commissioner by the Senate or received in evidence by the Commissioner. Evidence reported.

184. If the Report recommends the granting of relief to the petitioner it shall be accompanied by a draft, approved by the Commissioner, of a resolution to effect such relief. Draft resolution reported.

185. Each Report shall be transmitted by the Commissioner to the Divorce Committee. Report transmitted to Committee.

Offence
against
Criminal
Code.

186. The Commissioner, whenever in his opinion there has come to his attention or has been disclosed in any evidence given before him grounds for believing that an offence against the *Criminal Code* of Canada or the violation of any other law in force in Canada has been committed, may report thereon to the Divorce Committee or the Chairman thereof. Thereupon, the Divorce Committee or the Chairman thereof may direct that such evidence, or a part thereof, or any other information or document be drawn to the attention of the Minister of Justice or such law-enforcement or other agency in Canada as the Divorce Committee or the Chairman thereof may deem appropriate, for such action as the Minister of Justice or such agency may deem requisite.

THE DIVORCE COMMITTEE

Report to
be
examined
by Com-
mittee.

187. Each Report of the Commissioner shall be examined by the Divorce Committee before it is referred to the Senate.

188. In conducting such examination, the Divorce Committee may summon the Commissioner to explain his recommendation or may refer the Report back to the Commissioner for review or rehearing of witnesses by him or the hearing of additional witnesses.

189. After such examination, the Divorce Committee shall make its Report to the Senate and shall refer to the Senate the Report of the Commissioner therewith, indicating whether or not the Committee concurs in the recommendation of the Commissioner.

190. Where a Report of the Commissioner recommending the adoption of a resolution dissolving or annulling a marriage is concurred in by the Divorce Committee and referred with the Committee Report and a draft resolution to the Senate, the draft resolution shall be placed on the Orders of the Day for adoption as the Senate may direct.

191. Where a Report of the Commissioner recommends against the adoption of a resolution dissolving or annulling a marriage, the Divorce Committee, after examination as aforesaid, may nevertheless recommend to the Senate the adoption of such a resolution, setting forth its reasons and submitting a draft resolution in accordance therewith, which shall be placed on the Orders of the Day for adoption as the Senate may direct.

DEFENCES

Connivance,
condona-
tion, collu-
sion, etc.

192. If adultery be proved, the respondent (or co-respondent) may nevertheless be admitted to prove connivance at, or condonation of the adultery, collusion in the proceedings for divorce, or adultery, or cruelty to the respondent or her children or bad conduct on the part of the petitioner.

Where
petitioner
guilty of
offence.

192A. Where a petitioner has been guilty of a matrimonial offence, all the facts in connection therewith shall be disclosed by the petitioner to the Commissioner at the hearing.

Prior
petitions.

193. Petitions for a bill of divorce (or annulment) presented to the Senate before the coming into force of this Part, which have not at that time been heard by the Divorce Committee, may, with the consent of the petitioner, be treated as petitions for resolutions of the Senate dissolving or annulling the marriage.

194. A certified copy of a resolution of the Senate dissolving or annulling a marriage shall be obtainable on payment of the sum of two dollars into the hands of the Clerk of the Parliaments.

195. Resolutions for the dissolution or annulment of marriages adopted by the Senate of Canada during each session of Parliament shall be printed as Part II of the *Journals of the Senate* for such session.

DIVORCE FORMS

(Resolutions for Dissolution or Annulment)

FORM A-1

NOTICE OF APPLICATION FOR DISSOLUTION OR ANNULMENT OF MARRIAGE

Notice is hereby given that (*name of applicant in full*), of the
of , in the County (or District)
of , in the Province of
(*or in the Northwest Territories or as the case may be*), (*here state the occupation, if any, of applicant, and the residence of the applicant if it is not in the same place as the domicile of the applicant*), will apply to the Senate of Canada, at the present or next following session thereof, for a Resolution dissolving (annulling) his (her) marriage to (*here state names in full, residence and occupation, if any, of the person from whom the divorce is sought*), on the ground of (*adultery, or as the case may be*).

Dated at	,	} Signature of applicant
Province of	,	
day of	,	
19 .	,	
		} or of solicitor for
		} applicant.

(*When any particular relief is to be applied for, the nature thereof should be briefly indicated in the notice*)

FORM B-1

AFFIDAVIT AS TO SERVICE OF NOTICE, PETITION
AND INFORMATION TO RESPONDENT AND CO-
RESPONDENT, WHEN MADE PERSONALLY

Province of	}	In the matter of the
		<i>Dissolution and An-</i>
County (or District)		<i>nulment of Marriages</i>
		<i>Act</i>
of	}	and in the matter of
		a petition by A.
To Wit:	}	B. for a Resolution
		of the Senate of Can-
		ada dissolving or an-
		nulling his (her)
		marriage to B. B.

I, A. B. of , in the County
(or District) of in the Province
of , (occupation),

MAKE OATH AND SAY:—

1. That on the day of
A.D. 19 , I served C. D. (*name of*
person served) personally with a true copy of
the notice hereto attached and marked "A",
by giving the said copy to, and leaving it
with the said C. D. at (*state place of service,*
with particularity as to street, number of
house, or other detail).

2. That at the said time and place and in the said manner I also served the said C. D. with a true copy of the petition thereto attached and marked "B", appended to which copy there was then a true copy of the information to the respondent which is hereto also attached and marked "C".

3. That I know the said C.D., and that I believe him (*or her*) to be the person described in the said notice and petition as the husband (*or wife*) of E. F. therein named (*or correspondent named in the petition*).

4. That the said C. D. admitted to me that he (*or she*) was the husband (*wife or correspondent*) named in the petition.

5. That the photograph hereto attached and marked "D" is a true photograph of the person upon whom the said documents were served. (If photograph available or can be obtained).

(Add any statements made by the person served to the person effecting the service, or other matter or thing showing or indicating the identity of the person served)

6. I asked the said C. D. to acknowledge receipt by him (her) of the said documents which he (she) did by signing the acknowledgment of service on the back thereof and I have signed the same as witness thereto (or which he (she) refused to do).

SWORN BEFORE ME

at the of

in the County (or District) of

, in the

Province of

this day of

A.D. 19 .

A Commissioner, etc.

(Signature of
deponent)

Name of public functionary before whom affidavit is taken should be legible and in addition to the signature the name should be typed or written in print lettering.

NOTE—*Exhibits attached to the affidavit should be identified under the hand of the public functionary before whom the affidavit is made.*

FORM C-1

GENERAL FORM OF PETITION

To the Honourable the Senate of Canada:

The petition of A. B. (*state names in full*),
the lawful husband (*or wife*) of C. D. (*state
names in full*)

Humbly Sheweth:

1. That on or about the day of ,
A.D. 19 , your petitioner was lawfully married to the said C.D. at

(If the wife is the petitioner, state with particularity her maiden name and residence; if she had been married before the marriage which she seeks to dissolve, state with particularity the circumstances and her name)

2. That the said marriage was by licence duly obtained (*or as the case may be*) and was celebrated by (*state name of clergyman or as the case may be*).

3. That at the time of the said marriage your petitioner and the said C.D. were domiciled in Canada, and have ever since continued to be and are now domiciled in Canada, in the Province of .

(All facts relevant to the domicile of the parties at the time of the marriage and as to any change therein since their marriage and their present domiciles should be here stated with particularity)

4. That your petitioner, A.B. *(state names in full)*, is now residing at *(state present actual residence in full)*, and is employed as *(state nature of employment or occupation)*. That the said C.D. *(state names in full)* is now residing at *(state present actual residence in full)*, and is employed as *(state nature of employment or occupation and address or place of business, and the name and address of employer, if any)*.

5. That after the said marriage your petitioner lived and cohabited with the said C.D. and there are now living issue of the said marriage *(state number)* children, viz:—

(state names and date of birth of all living children, their present residence, and if not of age their Custody; if no children, so state).

6. That the following is a statement under Rule 162 of all previous proceedings instituted with reference to the marriage or to any children thereof, including applications to the

Parliament of Canada, petitions and writs for divorce actions, alimony or maintenance, separation from bed and board and the custody or maintenance of any children of the marriage, and the results of any such proceedings; and a statement of any agreements or financial arrangements between the spouses with reference to the marriage or any children thereof. (*If no previous proceedings, so state*).

7. That on the day of , A.D., 19 , at (*state all available particulars as to time of day and place*), the said C.D. committed adultery with one G.H. (*state full particulars of co-respondent's name, occupation and address*).

(*Separate paragraphs should be used for each matrimonial offence alleged, including, wherever possible, the names, occupations and addresses of the persons with whom the offence is alleged to have been committed, and omitting vague allegations such as "at divers times and places"*)

(*Where a person with whom a matrimonial offence is alleged to have been committed has died prior to the filing of the petition, a paragraph to that effect should be included stating time and place of death*).

8. (*If applicable*) That the person (*or persons*) with whom the said adultery was committed is (*or are*) unknown to me and I have made every reasonable effort, without success, to ascertain the name and address of such person (*or persons*). (*State fully particulars of the efforts in fact made in each case*)

Your petitioner therefore humbly prays:

That the Honourable the Senate of Canada will be pleased to adopt a resolution dissolving the said marriage between your petitioner and the said C.D. and enabling your petitioner to marry again, and granting your petitioner such further and other relief in the premises as the Honourable the Senate may deem meet.

And as in duty bound your petitioner will ever pray.

Dated at , this day of , 19 .

Signature of petitioner.

Witness.

FORM D-1

AFFIDAVIT VERIFYING PETITION

Province of	}	In the matter of the
County (or District)		<i>Dissolution and An-</i>
of		<i>nulment of Marriages</i>
To Wit:		<i>Act; and in the mat-</i>
		ter of the petition
		of
		thereunder

I, A.B., of the _____ of _____,
in the County (or District) of _____,
in the Province of _____

(*occupation, if any*) make Oath and say:—

(*In the case of a wife being the petitioner,
say "wife of C.D.", and give name, resi-
dence and occupation or addition of the
husband*)

1. That, to the best of my knowledge and belief, the allegations contained in the paragraphs of the foregoing petition, numbered respectively _____, are, and each of them is true.

2. That the petitioner has not in any way been an accessory to or connived at or condoned any of the matrimonial offences alleged and that no collusion exists.

3. (*If any matter is alleged, of which the petitioner has not personal knowledge, add, "That, with respect to the matters alleged in the paragraphs of the foregoing petition, numbered respectively , I am credibly informed and believe them, and each of them, to be true."*)

Sworn before me at	}	
the of , in		
the County (or Dis-		
trict) of , in		
the Province of		
, this day		<i>Signature of</i>
of , A.D. 19 .		<i>deponent.</i>

(*Typed or written in letter printing the name or other identification of person taking affidavit*)

FORM E-1

INFORMATION TO BE APPENDED TO THE COPY OF
THE PETITION SERVED UPON THE RESPONDENT
AND CO-RESPONDENT

To (*Respondent's and Co-respondent's name*)

In accordance with Rule 162 of the "Standing Orders and Rules of the Senate" you are hereby informed that:

1. (*Petitioner's name*), the Petitioner, is now residing at No. Street, in the City of , in the Province of or in the State of , U.S.A. (*or as the case may be*).

2. Letters and notices for (*Petitioner's name*) may be delivered by sending them to the petitioner at the following address:
(*Post Office Address in Canada to be given*)

3. The name and address of the solicitor acting for (*Petitioner's name*) are as follows:

(*Give full particulars*)

4. All notices and papers to be served upon (*Petitioner's name*) in this matter may be so served by serving them upon (*give full par-*

particulars of the name and address of some solicitor acting as agent for him residing at the City of Ottawa, or within five miles of Ottawa, upon whom all notices and papers may be served).

5. If you desire to oppose the granting of the dissolution or annulment of marriage prayed for by the petition of which the document annexed hereto is a true copy, you must within thirty days from the date when this copy is served upon you send a notice to that effect to the Clerk of the Senate of Canada, Parliament Buildings, Ottawa, Canada, and to the solicitor above-named for the petitioner, and in that notice you must give the following particulars:

- (a) Your actual residence at the time of sending the notice.
- (b) A Post Office address in Canada at which letters and notices for you may be delivered.
- (c) The name and address of your solicitor, if any is acting for you.
- (d) If you have a solicitor, but his address is not at Ottawa, Canada, you must give the name and address of a solicitor acting as agent for him residing at the

City of Ottawa, Canada, or within five miles of Ottawa, upon whom all notices and papers may be served.

- (e) A concise statement of the material facts upon which the respondent (*or* co-respondent) relies in answer to the petition.

6. If you do not send such notice to the Clerk of the Senate of Canada, and with the above particulars, the petition now served upon you may be considered by the Senate of Canada, evidence heard and a Resolution of the Senate dissolving or annulling your marriage founded thereon may be passed without any further notice to you.

7. When the petition is one by a husband for dissolution or annulment of his marriage to his wife, if the wife shows to the satisfaction of the Divorce Commissioner that she has, and is prepared to establish upon oath, a good defence to the charges made in the petition, and that she has not sufficient money to defend herself, the Divorce Commissioner may make an order that her husband shall provide her with the necessary means to sustain her defence, including the cost of re-

taining Counsel and the travelling and living expenses of herself and witnesses summoned to Ottawa on her behalf.

.....

Signature of petitioner or solicitor.

.....

Witness.

NOTE.—A request for funds for the conduct of a wife's defence should be accompanied by a declaration setting out her occupation (if any), all income and its source, value of real or personal property (if any), etc.

FORM F-1

APPLICATION FOR LEAVE TO PROCEED WITHOUT
NAMING OR SERVING CO-RESPONDENT

*Where Co-respondent's Name or Address is
Unknown*

In the matter of the petition of
for a Resolution of the Senate dissolving (or
annulling) the petitioner's marriage to
.....

To the Commissioner of the Senate:

Application is hereby made by the above-named petitioner for an order of the Divorce Commissioner permitting the petitioner to proceed without naming or serving a copy of the Notice, Petition and Information to respondent on the person(s) referred to in paragraph(s) of the petition, with whom it is alleged that adultery was committed by the respondent, by reason of the fact that the name (and/or address) of such person(s) is (are) not known to your petitioner; or for such other order as the Divorce Commissioner may deem just.

The efforts made without success to ascertain the name (and/or address) of the correspondent are set forth in the attached affidavit of your petitioner, and of

.....
Witness. *Signature of petitioner.*

FORM G-1

APPLICATION FOR LEAVE TO PROCEED
WHERE CO-RESPONDENT'S ADDRESS IS KNOWN

In the matter of the petition of
for a Resolution of the Senate dissolving (or
annulling) the petitioner's marriage to ..
.....

To the Commissioner of the Senate:

Application is hereby made by the above-named petitioner for an order of the Divorce Commissioner permitting the petitioner to proceed without serving a copy of the Notice, Petition and Information to respondent on the person(s) referred to in paragraph(s) of the petition, with whom it is alleged that adultery was committed by the respondent; or for such other order as the Divorce Commissioner may deem just.

The name of such person is known to your petitioner, but by reason of the facts sworn to in the attached affidavit of your petitioner, and of leave is hereby sought to proceed without serving such person.

Witness.

Signature of petitioner.

FORM H-1

AFFIDAVIT IN SUPPORT OF APPLICATION

Province of	}	In the matter of the
County (or District)		<i>Dissolution and An-</i>
of		<i>nulment of Marriages</i>
To Wit:		<i>Act; and in the mat-</i>
		<i>ter of the application</i>
		of
		thereunder

I, A. B., of the _____ of _____ ,
 in the County (or District) of _____ ,
 in the Province of _____ , (occupa-
 tion, if any) make oath and say:

*(In the case of a wife being the applicant,
 say "wife of C. D.", and give names,
 residence and occupation or addition of the
 husband)*

1. The name of the person(s) referred to in
 paragraph(s) of the petition,
 with whom it is alleged that the respondent
 committed adultery, is known (or not known
as the case may be) to me.

2. I have applied for leave to dispense with the naming and service of a copy of the Notice, Petition and Information to respondent upon the said person(s) because of the following facts:

(Here set out in separate paragraphs the facts on which the petitioner relies in seeking such leave)

Sworn before me

at the

of

in the County (or District)

of

in the Province of

this

day of

A.D. 19 .

*Signature of
deponent.*

(Typed or written in letter printing the name or other identification of person taking affidavit)

FORM J

RESOLUTION FOR DISSOLUTION

..... Session, Parliament,
Elizabeth II, 19....

THE SENATE OF CANADA

RESOLUTION

A Resolution for the relief of
 WHEREAS,
 residing at
 in the province of,
 wife of,
 who is domiciled in Canada and residing at
, has by her petition
 alleged that they were married on the
 day of, A.D. 19...,
 at,
 she then being;
 and whereas by her petition she has prayed
 that, on the ground of his adultery (*or as the
 case may be*) since then, their marriage be
 dissolved; and whereas the said marriage and
 adultery (*or as the case may be*) have been

proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore the Senate of Canada, pursuant to the provisions of the *Dissolution and Annulment of Marriages Act* and subject to section 2 thereof, resolves as follows:—

1. On the expiration of thirty days from the date of the adoption by the Senate of this resolution, the said marriage shall be dissolved and thenceforth shall be null and void to all intents and purposes whatsoever.

NOTE.—*When the husband is the petitioner, the appropriate changes should be made in the preamble.*

FORM K

RESOLUTION FOR ANNULMENT

..... Session, Parliament,
Elizabeth II, 19....

THE SENATE OF CANADA

RESOLUTION

A Resolution for the relief of
 WHEREAS,
 residing at,
 in the province of,
 wife of,
 who is domiciled in Canada and residing at
, has by her petition
 alleged that they were married on the
 day of, A.D. 19 ...,
 at,
 she then being;
 and whereas by her petition she has prayed
 that, on the ground of his failure to con-
 summate the said marriage, their marriage
 be annulled; and whereas the said marriage
 and the said failure to consummate have been

proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore the Senate of Canada, pursuant to the provisions of the *Dissolution and Annulment of Marriages Act* and subject to section 2 thereof, resolves as follows:—

1. On the expiration of thirty days from the date of the adoption by the Senate of this resolution, the said marriage shall be annulled and thenceforth shall be null and void to all intents and purposes whatsoever.

NOTE.—*When the husband is the petitioner, the appropriate changes should be made in the preamble.*

APPENDICES

12 ELIZABETH II.

CHAP. 10

An Act authorizing the Senate of Canada to
Dissolve or Annul Marriages.

[Assented to 2nd August, 1963.]

HER Majesty, by and with the advice and
consent of the Senate and House of Com-
mons of Canada, enacts as follows:

1. This Act may be cited as the *Dissolution and Annulment of Marriages Act*. Short
title.

2. (1) The Senate of Canada may, on the petition of either party to a marriage, by resolution declare that the marriage is dissolved or annulled, as the case may be, and, subject to the provisions of subsections (2) and (3), immediately on the expiration of thirty days from the date of the adoption of the resolution the marriage is dissolved or annulled, as the case may be, and shall be null and void, and thereafter either party thereto may marry any person whom he or she might lawfully marry if the said marriage had not been solemnized. Marriage
dissolved or
annulled.

**Operation
of resolution
suspended.**

(2) If, before the expiration of the thirty days referred to in subsection (1), a petition to the Parliament of Canada by either party to a marriage in respect of which a resolution for its dissolution or annulment has been adopted by the Senate, together with a draft bill based thereon and the required fee, is filed with the Clerk of the Parliaments praying for the passage of an Act annulling or modifying such resolution, the operation of the resolution shall be suspended until an Act based upon the petition has received Royal Assent, whereupon the resolution shall have no force or effect or shall have such other force and effect as may be prescribed in that Act.

**Resolution
to have
full force
and effect.**

(3) If the bill referred to in subsection (2) is disposed of otherwise than by becoming law or by reason of prorogation or dissolution of Parliament, the resolution dissolving or annulling the marriage shall have full force and effect on the date on which the bill has been so disposed of.

**In case of
prorogation
or
dissolution.**

(4) Where a petition or a bill seeking the annulment or modification of a resolution of the Senate dissolving or annulling a marriage has been disposed of by reason of prorogation or dissolution of Parliament, and a new petition and a draft bill to the same effect are not filed with the Clerk of the Parliaments

within thirty days of the commencement of the next ensuing session of Parliament, such resolution shall come into force on the expiration of such thirty days. If such petition and draft bill are so filed within such thirty days, the operation of such resolution shall be suspended in accordance with the provisions of subsection (2).

3. The Senate shall adopt a resolution for the dissolution or annulment of a marriage only upon referring the petition therefor to an officer of the Senate, designated by the Speaker of the Senate, who shall hear evidence, and report thereon, but such officer shall not recommend that a marriage be dissolved or annulled except on a ground on which a marriage could be dissolved or annulled, as the case may be, under the laws of England as they existed on the 15th day of July, 1870, or under the *Marriage and Divorce Act*, Chapter 176 of the Revised Statutes of Canada, 1952.

Officer's
recommen-
dation.

4. The Senate may make such rules and orders respecting petitions for dissolution or annulment of marriages, the procedures at hearings thereon and all other matters as it considers necessary or desirable for the carrying out of the provisions of this Act.

Rules and
orders.

Evidence of
dissolution
or
annulment.

5. Evidence of a resolution of the Senate declaring that a marriage is dissolved or annulled may be given by the production of a copy of the resolution purporting to be under the seal of the Clerk of the Parliaments and signed by him or on his behalf.

Application
of Act.

6. This Act shall apply in respect of any petition for the dissolution or annulment of marriage presented to the Senate of Canada, and not reported upon by the Senate Standing Committee on Divorce before the coming into force of this Act.

CHAPTER 14

An Act to amend the Judges Act and the
Exchequer Court Act.

(Assented to 18th June, 1964).

HER Majesty, by and with the advice and
consent of the Senate and House of
Commons of Canada, enacts as follows:—

1. Paragraph (b) of section 5 of the *Judges* 1963, c. 8,
Act is repealed and the following substituted s. 1.
therefor:

“(b) Six puisne judges, each..21,000.00”

2. Subsection (1) of section 4 of the 1960-61, c. 38,
Exchequer Court Act is repealed and the s. 5.
following substituted therefor:

“4. (1) The Exchequer Court shall con- Constitution
sist of the President and six Puisne of Court.
Judges, who shall be appointed by the
Governor in Council by letters patent under
the Great Seal.”

3. The *Exchequer Court Act* is further
amended by adding thereto, immediately
after section 6 thereof, the following section:

Leave of
absence to
perform
duties of
officer of
Senate.

"6A. A judge of the Court designated by the Speaker of the Senate for the purpose of this section after consultation with the President of the Court, if he is granted leave of absence for such purpose by the Governor in Council from his duties as a judge of the Court, has and may exercise and perform all of the powers, duties and functions of the officer of the Senate referred to in section 3 of the *Dissolution and Annulment of Marriages Act*."

LK.28.5.65.

JL

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A53

1964

Canada. Parliament. Senate
Rules of the Senate of
Canada

~~General
Reference~~

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